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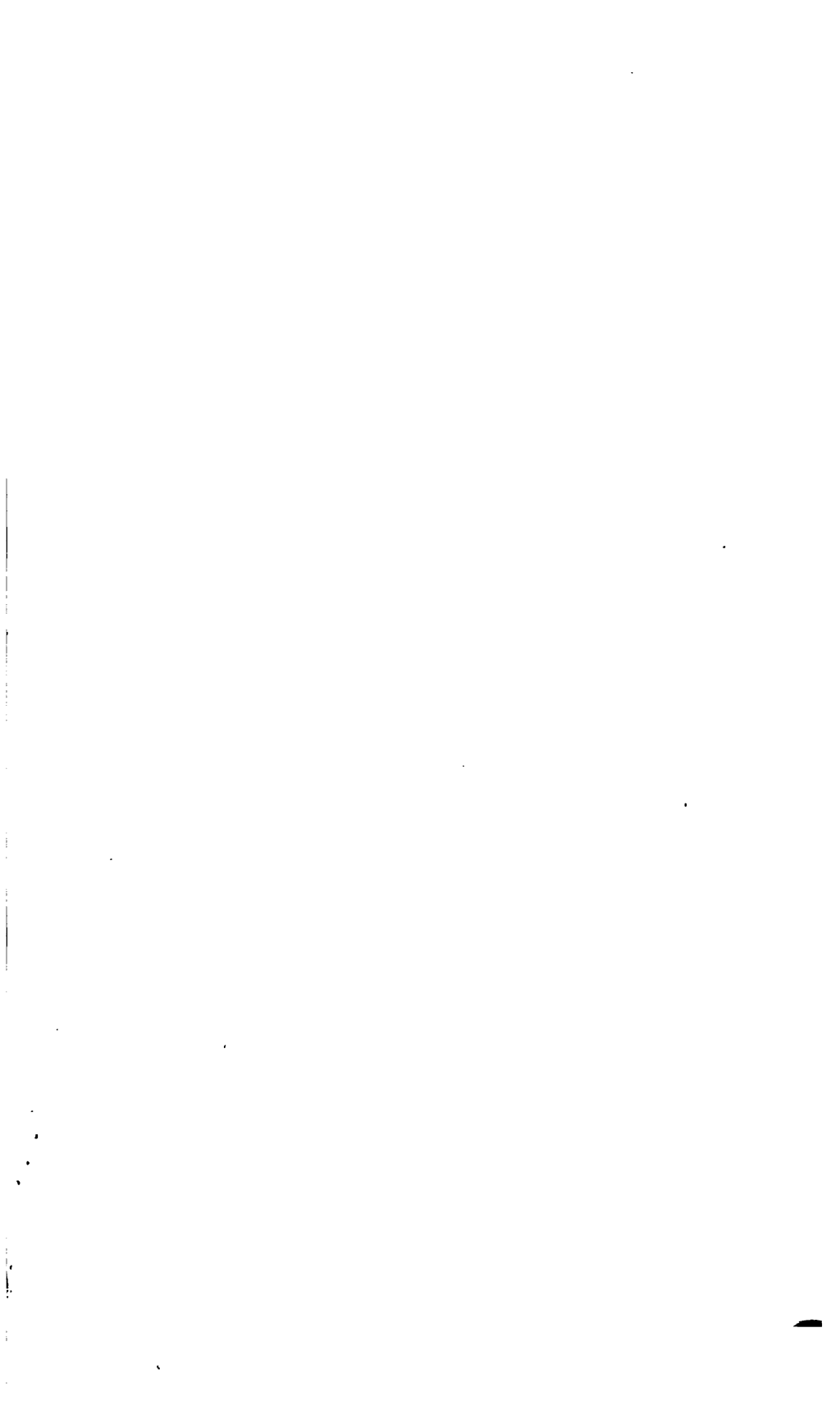
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ACTS

OF

*F. H. Webster*

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1842.

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PUBLISHED BY AUTHORITY.

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FRANKFORT, KY.

A. G. HODGES...STATE PRINTER.

1843.

L11558  
APR 27 1996

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Number of  
Justices, and  
their duties.

SEC. 2. That the said county of Owsley shall be entitled to seven Justices of the Peace, who, after having been commissioned, shall, on the first Monday in June, eighteen hundred and forty three, meet at the house of Archibald McGuire, on the Kentucky river, and after taking the necessary oaths of office and qualifying their Sheriff, they shall proceed to appoint a Clerk, to whose permanent appointment a majority of all the Justices in commission shall concur, but if such majority cannot be had in favor of any one, the court may appoint one *pro tem.* until a majority of said court shall concur in said appointment.

Powers of  
the officers of  
Clay, Estill &  
Breathitt.

SEC. 3. That the County and Circuit Courts of Clay, Estill and Breathitt, and the Justices of the Peace thereof, shall have jurisdiction, in law and equity, in all cases instituted before this act takes effect, and it shall be lawful for the Sheriffs, Constables, and other collecting officers in said counties, to collect all moneys and execute all process, as the law directs, which may be in their hands at the time this act takes effect, including the county levy and revenue tax for the year eighteen hundred and forty three, and account for and pay the same according to law.

Number of  
Constables.

SEC. 4. That the county of Owsley shall be entitled to five Constables to be chosen by the County Court of said county, according to law; said County Court shall lay off their county into Constables' districts; and the qualified voters of said county shall vote at the same places in all elections as now provided by law, until otherwise changed.

Commission-  
ers to select a  
place for coun-  
ty seat, &c.

SEC. 5. That Luther Brawner of the county of Clay, John B. Houston of Clarke, and Joseph Willson of Estill, shall be, and are hereby, appointed commissioners to select a suitable place for the permanent location of the seat of justice of said



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county; said commissioners shall be sworn, before they act, and shall make report of said selection, to the County Court of Owsley county, whose duty it shall be to make provision for the purchase of a lot or lots of ground at said place, suitable for the erection of a court house, and other necessary public buildings, and shall cause the same to be erected and built as they may think necessary; and until said buildings are finished, it shall be the duty of said County Court, at the expense of said county, to select and procure suitable buildings for the sessions of the Circuit and County Courts of said county. That said Commissioners shall be entitled to the sum of three dollars per day each, during the time they may be engaged in going to and locating said seat of justice, and returning home therefrom, payable out of the county levy of said county.

County Court  
to erect the  
public build-  
ings.

SEC. 6. That all that portion of the county of Estill which lies eastwardly of the county of Owsley as herein bounded, shall be, and the same is hereby, added to the county of Breathitt: *Provided however*, That the citizens residing therein shall be liable to the revenue tax and county levy in Estill county the present year.

Part of Es-  
till added to  
Breathitt.

Approved, January 23, 1843.

#### CHAPTER 46.

AN ACT to authorize the appointment of Commissioners to take the acknowledgment of deeds and other instruments of writing executed out of this State.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of this Commonwealth is hereby authorized to name, appoint, and commission, one or more Commissioners in each, or such of the other States of the United States, or in the District of Columbia, as he may deem expedient, which Commissioners shall continue in office during the pleasure of the Governor, and shall have authority to take the acknowledgments and proof of the execution of any deed, mortgage or other conveyance of any lands, tenements or hereditaments; and also to take the examination of *femes covert*, as to their relinquishment of dower or right of inheritance in lands, lying or being in this State, any contract, letter of attorney, or other writing under seal, to be used or recorded in this State; and such acknowledgment or proof taken or made in the manner directed by the laws of this State, and certified by any one of the said Commissioners, before whom the same shall be taken, or made under his seal; which certificate shall be endorsed on or annexed to said deed or instrument aforesaid, shall have the same effect, and be as good and valid in law for all purposes, as if the same had been made or taken as now required by law.

SEC. 2. Every Commissioner appointed by virtue of this act, shall have full power and authority to administer an oath or

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affirmation, to any person who shall be willing and desirous to make such oath or affirmation before him, and such affidavit or affirmation, made before such Commissioner, shall, and is hereby declared to be as good and effectual to all intents and purposes, as if taken by any magistrate resident in this Commonwealth, and competent to take the same.

Sec. 3. Every Commissioner appointed as aforesaid, before he shall proceed to perform any duty, under and by virtue of this law, shall take and subscribe an oath or affirmation before a Justice of the Peace in the city or county in which such Commissioner shall reside, well and faithfully to execute and perform all the duties of such Commissioner, under and by virtue of this act, or the laws of this State; which oath or affirmation shall be filed in the office of the Secretary of State of this Commonwealth.

Sec. 4. *Be it further enacted*, That any Commissioner appointed under this act, shall have power and authority to take depositions in any suit depending in any court in this State, upon *dedimus* to him directed; and any deposition certified by him, with the *dedimus* annexed, and taken in pursuance of notice, shall and may be read in the Courts of this Commonwealth, and the said certificate of the Commissioner, that he is such, shall be full evidence of the fact of his official character: *Provided*, That this act shall not be construed to repeal any law now in force.

Approved, January 23, 1843.

#### CHAPTER 50.

AN ACT to give the holders of Kentucky Land Warrants further time to have surveys made, and to return plats and certificates to the Register's Office.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the holders of Kentucky treasury warrants for land, shall be allowed time from the first day of January, eighteen hundred and forty three, until the first day of January, eighteen hundred and forty five, to cause the same to be entered and surveyed, and to return the plats and certificates of survey to the Register's Office; and that where any such warrant has been heretofore entered and surveyed, but the plat and certificate of survey have not been returned in the time heretofore allowed by law, it shall be the duty of the Register to receive and receipt for the same, and a patent shall be issued thereon according to the law now in force in relation to the emanation of patents. But nothing herein contained shall affect the right to any land which may have been acquired in good faith by any other person.

Approved, January 23, 1843.

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AN ACT for the benefit of Marshall county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement for Calloway county, shall pay over to the County Court of Marshall county, one half of all the funds now in their hands for the purpose of Internal Improvement, when called on by said Court or its agent.

Calloway to pay to Marshall.

SEC. 2. *Be it further enacted*, That the County Court aforesaid, shall employ said funds in building bridges, and improving the most important highways throughout the county. The said Court is hereby clothed with authority to demand of the aforesaid Board, or their Treasurer, the payment as aforesaid; and in case of refusal, shall have power to sue for the money in the Circuit Court. The said County Court shall have power to allow to the Treasurer a reasonable compensation for the duties hereinafter imposed upon him, as treasurer of the internal improvement fund of the county of Marshall.

How to be applied, &c.

May sue for the same.

Allowance to the Treasurer.

SEC. 3. *Be it further enacted*, That the Clerk of the Marshall County Court, shall be made the Treasurer of said fund, and shall give bond with security, conditioned that he will faithfully discharge the same according to the orders of the Court, and take an oath, that he will faithfully discharge the duties of Treasurer, and not lend or use the fund, or any portion thereof, either for his own benefit or for the benefit of another.

Clerk of Marshall county may be made Treasurer, and his duties.

SEC. 4. *Be it further enacted*, That the Treasurer of said fund shall remain in office until the first day of January next, and it shall hereafter be the duty of the County Court of said county, at their December term, to elect a Treasurer of the Internal Improvement fund, who shall remain in office until his successor is elected; and should the Court, for any cause, neglect to elect a Treasurer at the December term, as above directed, they shall proceed to do so at some future term of the Court.

Treasurer, when to be elected, and continuance in office.

SEC. 5. *Be it further enacted*, That the County Court of Calloway county shall transfer to the County Court of Marshall county, one half of the six thousand acres of land donated by the State to Calloway county, for the erection of academies; and the Marshall County Court shall be governed in their use of said land, as prescribed to Calloway county, in the act making said donation.

Calloway to transfer one half of land, and how to be used.

SEC. 6. *Be it further enacted*, That it shall be the duty of the County Court of Calloway county, to pay over to the County Court of Marshall county, all the county levy collected by the Sheriff of Calloway county, of the citizens of Marshall county, in the year 1842, after deducting the proportion of expenses properly chargeable to Marshall county, which have accrued on the contracts specified in the third section of an act, entitled, an act to regulate elections in Marshall county, and for other purposes, approved February 23, 1842.

Calloway to pay over to Marshall part of county levy.

Approved, January 27, 1843.

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## CHAPTER 61.

AN ACT to establish the name of the county seat of Letcher.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county seat of Letcher shall be called Whitesburg.

Approved, January 27, 1843.

## CHAPTER 64.

AN ACT to change the time of commencing the Spring Term of the Hopkins Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the spring term of the Hopkins Circuit Court shall commence on the last Monday in February, and shall continue twelve juridical days, and all law process, recognizances, &c., which were returnable to the first Monday in March, shall be returnable to the said last Monday in February, and shall have the same effect in law.

SEC. 2. *Be it further enacted*, That the Judge of said Court shall not take up for trial the prosecutions or criminal causes depending in said court, until the second week of the approaching Spring Term of said court.

Approved, January 27, 1843.

## CHAPTER 65.

AN ACT concerning the boundary line of Letcher county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, Letcher county shall be known by the following boundary, viz: beginning on the top of the Pine mountain, opposite the house of Samuel Cornett; and then with the top of the dividing ridge between the Line fork and the North fork of the Kentucky river, to cross said North fork at the lower end of John Dixon's plantation; and thence a straight line to the mouth of Irishmond on Carr's fork; and thence a straight line to the head of Jones' fork, at the Floyd county line, where the road crosses leading from Perry court house to Prestonsburg; and thence with the Floyd county line, to the Pike county line; and thence with the Pike county line to the Virginia State line; and thence with the Virginia State line to the Sulphur Springs; and thence a straight line, crossing the Poor fork of Cumberland river, at the lower end of John Jenkins' old plantation; and thence a straight line to the beginning; the same being the boundary originally intended and petitioned for, but inaccurately described.

Approved, January 27, 1843.

CHAPTER 69.

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AN ACT to amend an act, entitled, an act to amend the law exempting certain property from execution, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That every species of property exempted from execution or distress, by an act approved the 3d day of March, 1842, shall be, and the same is hereby, exempted from sale by executors and administrators; and such property, so exempted, shall not be considered assets in the hands of such executor or executors, administrator or administrators, but shall be reserved to the widow and infant heirs, if any.

Approved, January 27, 1843.

CHAPTER 74.

AN ACT to provide for the re-location of the seat of justice of Marshall county.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the officers of the August election eighteen hundred and forty three, for the county of Marshall, shall open two polls, one for the town of Benton, and one for a location on the south east quarter section, sixteen, in township five, north of range four east, near to a well, and the voters may vote for either of those sites for the seat of justice for said county; and if it shall appear that there is a majority of fifty in favor of removing said seat of justice, it shall be located permanently on said quarter section: *Provided,* That no such polls shall be opened unless previous thereto, Mark Hardin or William Craddock, or both of them, shall have executed their bond to the County Court, to convey to said court a site for a town, with a donation of a public square and convenient streets and allies; also, to include the well.

**SEC. 2.** That the County Court of Marshall county shall appoint one Judge and Clerk of said election, at each place of voting, who are the friends of Benton, and one Judge and Sheriff who are friends of the well. The Sheriff shall report to the County Court at their first term after said election, the number of votes each place received; which report they shall enter on their records, and shall proceed to erect public buildings at the place selected.

Approved, February 1, 1843.

CHAPTER 87.

AN ACT confirming the acts of the surveyor of Floyd county.

**WHEREAS,** doubts exist with regard to the official acts of James Harris, Surveyor of Floyd county, which have been done since the adjournment of the last General Assembly—

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the official acts of James Harris, Surveyor of Floyd county, done since the adjournment of the last General Assembly, shall be deemed as valid as if there had been no limitation expressed in his commission.

Approved, February 3, 1843.

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CHAPTER 88.

AN ACT to punish cheats, and false personations of others.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That every person who shall falsely and fraudulently represent or personate another, and in such assumed character, shall—1st. Marry another—2d. Become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety—3d. Confess any judgment, or—4th. Acknowledge the execution of any conveyance of real estate, or of any other instrument, which by law may be recorded, or—5th. Do any other act in the course of any suit, proceeding, or prosecution, whereby the person so personated or represented, may be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests may in any manner be affected, shall, on conviction, be punished by confinement in the Penitentiary, for a term not exceeding five years.

*SEC. 2.* No indictment for the offence described in the first subdivision of the preceding section, shall be found unless upon the complaint of the injured party, and within two years after the perpetration of the offence.

*SEC. 3.* Every person who shall falsely and fraudulently represent or personate another, and in such assumed character, shall deceitfully receive any money, or valuable property of any description, intended to be delivered to the individual so personated, with purpose to appropriate the same to his own use, shall, upon conviction, be punished in the same manner and to the same extent, as for feloniously stealing the money or property so received.

*SEC. 4.* Every person, who, with intent to cheat or defraud another, shall, designedly, by color of any false token or writing, or by any other false pretence, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, upon conviction thereof, shall be punished by confinement in the Penitentiary not exceeding three years, or by fine not exceeding three times the value of the money or thing so obtained, at the discretion of a jury.

Approved, February 3, 1843.

CHAPTER 91.

1843

AN ACT to amend an act, entitled, an act to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved, January 25, 1842.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of an act, entitled, an act, entitled, an act to amend an act, to reduce into one the several acts respecting slaves, free negroes, mulattos and Indians, approved, January 25th, 1842, shall not be so construed as to embrace any case where a slave or slaves were emancipated by last will and testament, or other instrument in writing, prior to the passage of said act.

Approved, February 7, 1843.

CHAPTER 94.

AN ACT concerning the Simpson Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the November terms of the Simpson Circuit Court, hereafter, said court shall continue in session twelve juridical days, if the business of the court shall require it.

Approved, February 7, 1843.

CHAPTER 103.

AN ACT more effectually to protect the rights of married women, abandoned by their husbands.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, any married woman, whose husband has abandoned her, or who shall hereafter abandon her and live separate and apart from her, shall have, hold and enjoy, for her own use any property, real, personal or mixed, which she may acquire by gift, will, descent or devise, or which she may acquire by her own labor or otherwise; and the same shall not be liable to the debts of the husband, nor be subject to his control or disposition, in any manner whatever; and the wife, so abandoned, shall be authorized to prosecute or defend any suit or suits, in her own name, that may be necessary to secure the rights and privileges hereby intended to be secured to her, as though she were a single woman.

Approved, February 7, 1843.

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## CHAPTER 108.

AN ACT to amend the law relative to Coroners.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in the absence or inability to attend, hereafter, of any Coroner, from the county in which he resides, the high Sheriff or any deputy for said county, shall be authorized, and it shall be their duty to hold inquest, and be governed in all respects by the several laws now in force relative to Coroners.

Sec. 2. *Be it further enacted*, That when the Sheriff or deputy, shall so act, they shall be entitled to the same fees, and paid in the same manner that Coroners are, in similar cases.

Approved, February 7, 1843.

## CHAPTER 112.

AN ACT to amend an act, entitled, an act to provide for binding out poor free children of color, approved 21st December, 1825.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled "an act to provide for binding out poor free children of color, approved December 21st, 1825," be so amended as that the covenant in the indenture shall not require them to be taught to spell and read.

Approved, February 7, 1843.

## CHAPTER 118.

AN ACT to attach a part of Henry county to Trimble county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Henry within the following bounds, to-wit: beginning at a point where the counties of Henry, Oldham and Trimble corner, near Pleasant ridge meeting house, thence a straight line to Coats' old mill, on the Little Kentucky river, in Henry county, including it in Trimble county; thence a straight line to John Abbott's, on the road from New Castle to Bedford, including him in Trimble; thence a straight line to the point where the counties of Carroll and Henry and Trimble corner, on the Mill creek road leading from New Castle to Carrollton, shall be, and the same is hereby, attached to, and shall form a part of, the county of Trimble.

Approved, February 15, 1843.



CHAPTER 123.

1843

AN ACT to authorize the County Court of Kenton, to make an additional levy, for the purpose of paying certain claims now authorized by law, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Kenton county, may, at their next March or any subsequent term, allow all claims which were granted by the County Court of Campbell, before the division of said county, to persons residing in the county of Kenton, and which have not been paid by the county of Campbell, and direct that the same may be paid out of the depositum, or include the same in the next county levy, as may seem best to the said County Court of Kenton.

SEC. 2. *Be it further enacted*, That the county of Kenton be entitled to one Constable in addition to those now allowed by law, who shall reside in the city of Covington.

Approved, February 15, 1843.

CHAPTER 124.

AN ACT to establish a tobacco inspection on Cumberland river, in Monroe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established a tobacco inspection at the warehouse of Hugh Kirkpatrick on Cumberland river, in Monroe county, which inspection shall be regulated and governed by the laws now in force concerning the inspection of tobacco.

Approved, February 15, 1843.

CHAPTER 126.

AN ACT to attach a part of the county of Casey to the county of Lincoln.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county line between the counties of Casey and Lincoln, shall be so changed as to include the farm and dwelling of David Floyd, now of the county of Casey, in the county of Lincoln—the line to begin at the mouth of the Mudlick branch, and to run so as to include said Floyd in the county of Lincoln.

Approved, February 15, 1843.

CHAPTER 141.

AN ACT to change the line between the counties of Adair and Barren.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county line between the counties of Adair and Barren, shall be so changed as to include the dwelling house of Walton Morrison in Adair county.

Approved, February 21, 1843.

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## CHAPTER 147.

AN ACT to amend an act, entitled, an act to regulate the guaging of spirituous liquors in this Commonwealth, approved January 5, 1837.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons having authority by law to guage or inspect spirituous liquors in this Commonwealth, be, and they are hereafter required, in guaging and inspecting whiskey, in barrels, or other casks, to mark or brand on said barrels or casks, when guaged and inspected, the degrees above as well as below proof, in letters and figures not easily to be obliterated; and every guager and inspector of spirituous liquors in this Commonwealth, who shall or may violate the provisions of this act, shall forfeit and pay the sum of one hundred dollars for every such offence, recoverable by action of debt, in any court of law within this Commonwealth.

SEC. 2. The penal part of this act shall not take effect until the first day of April next.

Approved, February 22, 1843.

## CHAPTER 149.

AN ACT concerning the affairs of the late Bank of Versailles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William L. Graddy, John Steele and William H. Terrill, be, and they are hereby, appointed agents and commissioners, for the purpose of settling up, and finally closing the concerns of the late Bank of Versailles, with all the powers heretofore granted to the President or agent of said Bank for that purpose.

Approved, February 22, 1843.

## CHAPTER 156.

AN ACT to amend the law regulating the trial of the right of property.

Property not to be sold unless a majority of the jury find it to be subject to sale.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, when a Sheriff or other officer shall summon a jury to try the right of property, he shall not sell the property unless a majority of the jury shall agree that the property levied on by such officer, is subject to sale under said levy and execution, but in every other particular the officer shall be governed by the law now in force regulating the trial of the right of property, approved, December 27, 1803, and the right of the plaintiff to have a sale on indemnifying the officer shall stand as heretofore.

Approved, February 23, 1843.

CHAPTER 157.

1843

AN ACT to amend the attachment law, approved, February 20, 1839.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That every Justice of the Peace, before granting an attachment, shall take bond and good security from the person for whom the same shall be issued, in double the amount of the debt and interest sought to be attached, payable to the defendant, and conditioned as follows, to-wit: The condition of the above obligation is such, that whereas, the above bound — is about to sue out an attachment against the said —; now, should the said plaintiff well and truly pay to the said defendant, all such damages and costs as he, she or they (as the case may be) may sustain by reason of the improper suing out of said attachment, then this obligation to be void, otherwise to remain in full force and virtue; which bond shall be returned to the court or Justice of the Peace to which or whom the attachment may be returned; and the defendant, if the condition of said bond be broken, may maintain his action thereon, and recover such damages and costs thereon, as he, she or they may have sustained in consequence of the wrongful suing out of said attachment; and every attachment which may be issued without such bond being first taken, is hereby declared illegal and void, and shall be dismissed, upon motion.

Bond to be given before attachment issues.

3 Dec 47

SEC. 2. *Be it further enacted,* That the second section of the act to reduce into one the several attachment laws, &c., approved February the 20th, 1839, shall be, and the same is hereby, repealed.

Repealing clause.

Approved, February 23, 1843.

CHAPTER 158.

AN ACT to establish the office of Second Auditor, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act establishing the office of Second Auditor, and for other purposes, approved February 23, 1839, shall be, and the same is made perpetual, and the office of Second Auditor is hereby established without limitation as heretofore.

Law establishing office made perpetual.

SEC. 2. The Second Auditor shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold the office for four years, and until his successor shall be duly qualified.

2d Auditor to be appointed.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Second Auditor to review the calculation, and test the schedule of interest on six year State bonds, before the warrants are issued for the interest of the same.

His duty.

SEC. 4. *Be it further enacted,* That upon the absence or sickness of either Auditor, he shall designate some fit person,

In the absence of either

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auditor or treasurer, some fit person to be appointed to attend to their duties.

by writing, signed and filed in his office, to issue the warrants, that may be demandable on the Treasury, during such absence or inability to attend in person to such duties; and for the acts of such person, the Auditor shall be responsible as if done by himself; and in case of the absence of the Treasurer, from the Seat of Government, or inability to attend to his duties, by sickness, the Governor shall designate and appoint some fit person to attend to the duties of the Treasurer, during such absence or inability to attend to the duties of his office.

Approved, February 23, 1843.

#### CHAPTER 163.

AN ACT to change the terms of the Morgan County Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Morgan county, shall hereafter be held on the third, instead of the first Monday in each month in which there is no Circuit Court.

SEC. 2. *Be it further enacted*, That the act allowing the County Court of Morgan twelve terms in each year, be, and the same is hereby, repealed.

SEC. 3. *Be it further enacted*, That the County Court of Breathitt shall hereafter be held on the first Monday in each month instead of the third Monday.

SEC. 4. That hereafter the County Court of Jessamine shall be held on the fourth Monday in September, instead of the third Monday in said month.

SEC. 5. That the County Court of Bath shall, in addition to the terms now allowed by law, hold terms of said court on the second Mondays in March, June and September.

SEC. 6. That the Rockcastle Circuit Court shall hereafter be held on the second Mondays in March, June and September.

SEC. 7. That the Meade County Court shall hereafter be held on the second Monday in April, instead of the first Monday in said month.

Approved, February 24, 1843.

#### CHAPTER 165.

AN ACT to amend the laws establishing the 7th and 16th Judicial Districts, and regulating the terms of the Courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, the counties of Caldwell and Crittenden, shall be attached to, and form a part of the seventh Judicial district, and the Circuit Court of Caldwell county, shall, after the pre-

Caldwell and Crittenden added to 7th judicial district.

sent spring term, commence on the second Mondays in April, July and October, in each year, and may continue at each term, twelve juridical days, if the business requires. The Circuit Court of Crittenden county, after the present spring term, shall commence on the first Mondays in April, July and October, in each year, and may continue at each term, six juridical days, if the business requires.

SEC. 2. The Livingston Circuit Court shall commence on the second Mondays in March, June and September, and may continue, at each term, twelve juridical days. The Circuit Court of McCracken county, shall commence on the fourth Mondays in March, June and September, and may continue twelve juridical days at each term, if necessary, and whenever there shall be five Mondays in March, June or September, said court may continue eighteen juridical days, at any such term. The Circuit Court of Ballard county shall commence on the second Mondays in April, July and October, in each year, and may continue six juridical days at each term. The Circuit Court of Hickman county shall commence on the third Mondays in April, July and October, in each year, and may continue, at each term, twelve juridical days, if necessary. The Graves Circuit Court shall commence on the first Mondays in May, August and November, and may continue, at the spring and summer terms, each, twelve juridical days, and at the fall term, six juridical days, if necessary. The Marshall Circuit Court shall commence on the third Mondays in May and August, and second Monday in November, and may continue six juridical days at each term, if necessary; and the Calloway Circuit Court shall commence on the fourth Mondays in May and August, and the third Monday in November, in each year, and may continue, at each term, six juridical days.

SEC. 3. The Judge of the sixteenth judicial district shall be allowed the time of two years from the passage of this act, to move into the said sixteenth judicial district, as it is formed by this act.

SEC. 4. When there shall be five Mondays in April, July or October, the Hickman Circuit Court may continue, at either of said terms held in said months having five Mondays, eighteen juridical days, if necessary; and when there shall be five Mondays in May or August, the Calloway Circuit Court may, at its terms in May or August, having five Mondays, continue twelve juridical days, if necessary. And all laws contrary to the provisions of this act are hereby repealed.

Approved, February 24, 1843.

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Terms of  
Caldwell.

Terms of  
Crittenden.

Terms of  
Livingston.

Terms of  
McCracken.

Terms of  
Ballard.

Terms of  
Hickman.

Terms of  
Graves.

Terms of  
Marshall.

Terms of  
Calloway.

Judge 16th  
judicial district  
allowed time to  
remove in dis-  
trict.

Hickman Cir-  
cuit Court.

Calloway Cir-  
cuit Court.

AN ACT to remove the seat of justice of Calloway county.

Commission-  
ers appointed  
and their du-  
ties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Rascoe and Daniel H. Harrison of Christian county; Jesse Stephens and Holloway Colley, of Caldwell county, and William Hughes, jr., of Crittenden county, be, and they are hereby, appointed Commissioners, any three of whom may act, being first duly sworn impartially to discharge the duties imposed upon them by this act, whose duty it shall be to meet at the town of Waidsboro', in Calloway county, on the first day of April next, or so soon thereafter as practicable, and proceed to ascertain the geographical centre of Calloway county, as near as practical, and then proceed and examine all the various sites shown them, or that may be desired as the seat of justice of said county, and said Commissioners shall then give notice, in writing, to all persons, if in the county, owning such sites, that they will receive bonds from any or all such persons, to be payable to the County Court of Calloway, for any quantity of land or money, any such person or persons may be willing to subscribe to said county, in the event the seat of justice is located on the site or sites owned by any such person or persons executing such bond or bonds, to be applied in aid of erecting the public buildings; and said Commissioners shall then designate the place nearest the centre of said county, which in their judgment is most eligible, paying due regard to all natural and local advantages; and said Commissioners shall make a report, in writing, to the County Court of said county, of the site selected by them for the seat of justice of said county, and the site so selected, shall be the seat of justice of Calloway county.

Town to be  
laid off on site  
selected.

SEC. 2. That as soon as practicable after the seat of justice is located, the County Court of Calloway shall appoint some fit Commissioner, whose duty it shall be, forthwith, to lay off a town on the site so selected, and report, in writing, to said court, the plan of said town, which plan shall be recorded in the Clerk's office of said court.

Town to be  
named & pub-  
lic buildings e-  
rected.

Courts to be  
holden.

SEC. 3. That said court shall give said town a name, and as soon as practicable, cause to be erected all the public buildings required by law, and so soon as the necessary buildings are provided for holding the courts of said county, at said town, the Circuit and County Courts shall meet and hold their terms at said seat of justice; and it shall be the duty of the Clerk of said courts to remove the books, papers and records of the respective courts to said town, to such house or houses as may be provided by the said County Court for the Clerk's office or offices.

Deeds of con-  
veyance for  
lands donated.

SEC. 4. The County Court shall require deeds or other conveyance necessary to vest in them all such real estate as may have been donated by the person or persons on whose land the

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seat of justice may be located, and also receive all sums of money or property that may have been donated to them by the person or persons owning the land on which the seat of justice shall be located by said Commissioners, and said County Court shall have the right to sue on the bond required to be given by this act, by the person owning the land on which said seat of justice may be located, and recover the money or property, or real estate named in such bond, and apply the said money or the proceeds of any property or land donated, to the aid of erecting the public buildings.

Court may  
sue on bonds  
for conveyan-  
ces, &c.

SEC. 5. The Circuit and County Courts of said county, shall continue to hold their respective terms in the town of Waidsboro', until the necessary buildings are provided as required in the third section of this act.

Courts to be  
held in Waids-  
boro' until  
buildings are  
erected.

SEC. 6. The Commissioners who may act under the provisions of this act, in making the survey and locating the seat of justice of said county, shall receive for their services, the sum of three dollars, each, per day, for every day they may be engaged in selecting the site for the seat of justice aforesaid, to be paid out of the county levy of said county.

Pay to Com-  
missioners.

SEC. 7. The said County Court shall, after reasonable notice given, sell the present court house in the town of Waidsboro', and all the public ground in said town, on such credits as they may direct, and the proceeds of said sale, shall be paid by said court, in aid of erecting the public buildings in said county.

Present court  
house and pub-  
lic ground to be  
sold, when, &c.

Approved, February 24, 1843.

#### CHAPTER 167.

AN ACT to establish the county of Johnson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, all the parts of Floyd, Lawrence and Morgan counties within the following boundary, to-wit: beginning at the mouth of little Paint creek in the county of Floyd, where it discharges itself into Big Sandy river; thence up said Sandy river to opposite the mouth of John's creek; thence crossing Sandy river, and up John's creek, with its several meanders, to the first ridge above the mouth of Daniel's creek; thence with that ridge, including the waters of Daniel's creek to the dividing ridge between Daniel's creek and Rockcastle creek; thence with the dividing ridge in an eastwardly direction, between John's creek and the waters of Rockcastle creek, to the head of Wolf creek; thence with the dividing ridge between the waters of Rockcastle creek and Wolf creek, to the head of Turkey creek; thence a straight line to James Ward's on Rockcastle creek, so as to include said Ward's house; thence a straight line to the Chesnut Shoal on Big Sandy river;

Boundary.

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thence a straight line to John Border's, on George's creek, including said Border's house; thence a straight line to Richard Kezee's on Hood's fork of Blain creek, including said Kezee's house; thence a straight line to Samuel Sgrave's mill; thence a straight line to the mouth of Keeton's fork of Blain creek; thence with the dividing ridge between Keeton's fork and main Blain creek, to the Morgan county line; thence with said line to the road leading from Paintsville to John Hammond's; thence a straight line to Edmund Conley's, on the head of the State road fork of Licking river, including Edmund Conley's house, and with the dividing ridge between Paint creek and the State road fork of Licking river, to the dividing ridge between the Burning Spring fork of Licking river and Jenny's creek, to the narrows at the head of Jenny's creek; thence a straight line to Robert Jenkins', including his house; thence a straight line to the beginning, shall be, and the same is hereby, erected into a separate and distinct county, to be called and known by the name of Johnson.

Justices allowed, Clerk to be appointed.

SEC. 2. The county of Johnson shall have eleven Justices of the Peace, who being qualified, shall convene at the house of James Franklin, in Paintsville, and qualify their Sheriff and appoint a Clerk, if a majority of all the Justices in commission can agree to such appointment, and if they cannot agree, they may appoint a Clerk *pro tem.* until such majority can agree.

Judgments. &c. in old counties to be collected.

SEC. 3. That the officers of Floyd, Lawrence and Morgan counties shall have power to collect all judgments and fee bills and taxes within said counties as if this act had not passed.

Commissioners to locate seat of justice.

SEC. 4. That Elisha Smith, of Rockcastle county; William Waters, of Lawrence; Mason Williams of Morgan; Meredith Patrick and J. V. L. McKee, of Laurel county, be, and they are hereby, appointed Commissioners, who shall convene at Paintsville on the first Monday in April next, or so soon thereafter as convenient, who, or any three of them, having first taken an oath faithfully and without partiality, to locate the seat of justice for said county, shall purchase or receive as donation, a site for said seat of justice, and locate the same thereon, and shall report their proceedings to the County Court, who shall cause the same to be entered of record; and the County Court shall provide suitable buildings to hold the courts, until public buildings are erected; and they shall cause suitable public buildings to be erected on the site selected; they shall appoint five Constables, and lay off the county into suitable Constable's districts.

To take an oath.

Purchase or receive donation for seat and report to County Court.

Public buildings to be erected.

Constables allowed.

Surveyor of Pike to run & mark lines, pay of Com's. Surveyor, &c.

SEC. 5. That the Surveyor of Pike county, shall run and mark the lines of Johnson county; that the Commissioners to locate the seat of justice, shall be allowed two dollars, each, per day, the Surveyor two dollars and fifty cents per day, and the Surveyor's assistants one dollar per day, each, to be paid out of the county tax of 1843; that the Sheriffs of Floyd, Lawrence and Morgan shall pay to the Sheriff of Johnson

County levy.



county, the county levy collected by them for 1843, of the citizens within Johnson county. 1843

SEC. 6. That the citizens of Johnson county shall vote at all elections as heretofore, and the Sheriff of Johnson county shall compare the polls of elections as prescribed by law. Elections.

SEC. 7. That Johnson county shall be attached to the ——— judicial district, and the Circuit Court for said county shall be held on the ———, and the County Court shall be held on the ———.

Approved, February 24, 1843.

#### CHAPTER 169.

AN ACT to repeal an act allowing an additional term to the Hardin Circuit Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to give an additional term to the Hardin Circuit Court, passed and approved February 25th, 1842, be, and the same is hereby, repealed, and all process made returnable to said term, shall be made returnable to the March term of the Hardin Circuit Court, and causes set for said term be docketed for the March term of said Court.

Approved, February 27, 1843.

#### CHAPTER 194.

AN ACT to amend an act, entitled, an act regulating divorces in this Commonwealth, approved 31st January, 1809.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That decrees may be made for divorces, by the proper courts of this Commonwealth, in the following instances:—1st. In favor of the husband, where the wife shall be pregnant by another man, before the marriage, without the husband's knowledge.—2d. Where the wife shall abandon the husband for the space of one year.—3d. Where the wife shall be guilty of adultery.—4th. Where there shall be such malformation as to render sexual intercourse impossible.—5th. In favor of the wife, where the husband shall abandon her, and be guilty of acts of adultery, or where the husband has abandoned her for the space of one year.—6th. Where the husband shall be impotent at the time of the marriage.—7th. Where the husband shall habitually behave toward the wife in so cruel and inhuman a manner, as to destroy her peace and happiness.—8th. Where the husband shall become an habitual drunkard, and shall be wasting his estate, and no provision shall be made for the support of his wife, but in such case, the court shall exercise a sound and cautious discretion; and alimony may be decreed in such cases.

Causes for divorce.

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Credibility  
of witnesses.

SEC. 2. *Be it further enacted*, That the credibility and good character of the witness or witnesses, by whom the act or acts of adultery shall be proved against the wife, or against the husband, shall be proved by at least two persons, who are personally known to the court to be of good character, or personally known to the officer taking the depositions of such persons, to be of good character, and the officer taking such depositions, shall so certify to the court, where he has such knowledge.

Divorce cases  
to be placed at  
the head of the  
chancery dock-  
et.

Persons re-  
leased.

Divorced per-  
sons restored  
to rights of un-  
married per-  
sons.

SEC. 3. Cases for divorce or alimony, shall be placed at the head of the chancery docket.

SEC. 4. That in all cases where one party has been divorced, the other party is hereby released from all the obligations of the marriage contract, and restored to all the rights of single persons.

SEC. 5. That from the rendition of any decree for any of the above causes, the party obtaining said decree, shall be entitled to all the rights and privileges of unmarried persons.

Approved, March 2, 1843.

#### CHAPTER 195.

AN ACT to revive an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved, February 5th, 1842.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of an act, entitled, "an act for the benefit of all those who may have executed bonds to the Commonwealth for public arms, approved, February 5th, 1842," shall be, and the same are hereby, revived and continued in full force until the end of the next session of the Legislature, and that the first section of the above recited act shall be so amended as to embrace all bonds or judgments rendered on any such bonds, given or executed for public arms prior to the first day of January, 1841.

Approved, March 2, 1843.

#### CHAPTER 196.

AN ACT concerning the appointment of Constables.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several County Courts in this Commonwealth, hereafter, in the appointment of Constables, to require of them before entering into bond, the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I have not given any fee or reward of any kind, to my predecessor for resigning, directly or

indirectly, and that I will not receive, directly or indirectly, any fee or reward to resign my office as Constable."

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SEC. 2. *Be it further enacted*, That it may be lawful for the Oldham County Court, at its next April term, a majority of all the Justices in commission being present, to appoint a town Constable for the town of La Grange, in addition to the four now allowed by law for the county of Oldham: *Provided*, That hereafter no person in said county shall be eligible to the office of Constable, who may be a defaulter as such at the time of his election.

Approved, March 2, 1843.

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CHAPTER 203.

AN ACT to amend the law authorizing changes of venue in civil cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the causes now prescribed by law, for which a change of venue may be ordered in civil cases, that there being no Sheriff in the county where a suit may be pending, for the space of three months next before application made, shall be sufficient cause for a change of venue, and either party may apply as in other cases, upon notice given for the cause aforesaid; whereupon the Judge shall order a change of venue, subject to the rules and regulations prescribed by law for changes of venue in other cases.

Approved, March 2, 1843.

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CHAPTER 210.

AN ACT to establish Larue county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March, in the year eighteen hundred and forty three, all that part of Hardin county within the following bounds, to-wit: beginning at the Rolling fork where the lower line of John King's land strikes the same, at or near the mouth of Brodhead's run; thence a straight line to where the road leading from the junction of the Beech and Rolling forks of Salt river to Hodgenville crosses Middle creek; thence down Middle creek with its meanders, to the junction with Nolynn; thence a straight line to William Marlow's, so as to leave said Marlow's residence in the old county, to the turnpike road leading from Elizabethtown to Munfordville; thence with said turnpike road to the Hart county line; thence with the lines of Hart, Green, Marion and Nelson counties, to the beginning, shall form and constitute a new county, to be called Larue, the seat of justice whereof shall be at Hodgenville.

Boundary.

Seat justice.

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Number of  
Justices, terms  
County Court.

Tax to be  
levied.

Attached to  
13th judicial  
district.

Circuit Court  
when to be  
held.

SEC. 2. There shall be eight Justices of the Peace in Larue county, and the County Court shall hold their terms on the first Mondays of each month, except the months in which the Circuit Court shall be holden, and shall have no power to levy a tax for public improvements, until the citizens of Hodgenville and its vicinity have paid twenty two hundred dollars for county purposes.

SEC. 3. That Larue county shall be attached to the thirteenth judicial district, and the Circuit Court therein shall be held on the third Monday in April, second Monday in July and third Monday in October, and shall continue six juridical days at each term, if the business of the court shall require it.

Approved, March 4, 1843.

#### CHAPTER 212.

AN ACT to change the terms of certain courts in the 14th Judicial District.

Muhlenburg. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the Muhlenburg Circuit Court, shall be held on the second Mondays in March, June and September, and shall continue six juridical days at each term, if the business of the court shall require it.

Butler. SEC. 2. That the terms of the Butler Circuit Court, shall hereafter be held on the third Mondays in March, June and September, and shall continue six juridical days at each term, should the business of the court require it.

Ohio. SEC. 3. That the terms of the Ohio Circuit Court, shall be held on the fourth Mondays in March, June and September, and shall continue six juridical days, should the business of the court require it.

Daviess. SEC. 4. That the terms of the Daviess Circuit Court, shall be held on the first Mondays in April, July and October, and shall continue twelve juridical days, should the business of the court require it.

Breckinridge. SEC. 5. That the terms of the Breckinridge Circuit Court, shall be held on the third Mondays in April, July and October, and shall continue six juridical days, if the business of the court shall require it: *Provided,* That said court shall continue twelve juridical days, when it shall happen that there are five Mondays in the month in which said court is held, if the business of said court shall require it.

Hancock. SEC. 6. That the Circuit Court of Hancock county, shall be held on the last Mondays in April, July and October, and continue six juridical days, if the business of the court shall require it.

Henderson added to 14th judicial dist. SEC. 7. That the county of Henderson shall be added to the fourteenth Judicial District, and the terms of the Circuit Court of said county, shall be held on the first Mondays in May, second in August, and first in November, in each year, and

shall continue at the May and November terms, twelve juridical days, and at the August term, six juridical days, should the business of the court require it: *Provided however*, That the next spring term of the several courts above named, shall not be changed or altered; and the Judge of the seventh Judicial District, shall hold the next Henderson Circuit Court on the same Monday in March, as now provided by law.

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Exceptions as to spring term.

Approved, March 4, 1843.

CHAPTER 218.

AN ACT to change the time of holding the Hopkins Circuit Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the June and September terms of the Hopkins Circuit Court, shall be so changed as to commence on the last Mondays in May and August, and shall continue at each of said terms for twelve juridical days, if the business of the court should require it.

Circuit Court.

SEC. 2. *Be it further enacted*, That the proceedings of the Hopkins County Court, at the February term, 1843, shall be deemed legal and valid as if there had been no term of the Circuit Court in said month.

Proceedings of Hopkins County Court legalized.

SEC. 3. That the spring terms of the Hopkins Circuit Court, after the present year, shall commence on the last Monday in February, and continue twelve juridical days, if the business shall require it.

Circuit Court spring term changed.

Approved, March 4, 1843.

CHAPTER 219.

AN ACT to legalize the votes given in the counties of Cumberland and Clinton, at the election of 1842, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all votes given at the August election, 1842, for a member to the General Assembly, in the county of Cumberland, by citizens legally authorized to vote in the county of Clinton, and all votes given at the election aforesaid, for a member to the General Assembly in the county of Clinton, by citizens legally authorized to vote in the county of Cumberland, are hereby ratified and confirmed, and any and every citizen, as aforesaid, casting any vote at the election aforesaid, is hereby exonerated and released from any liability or penalty in consequence thereof, any law to the contrary notwithstanding.

Approved, March 4, 1843.

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## CHAPTER 221.

AN ACT further to define the duties of Coroners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the several Coroners in this Commonwealth to execute all process within their respective counties, in all cases where there is no Sheriff.

Approved, March 4, 1843.

## CHAPTER 224.

AN ACT amending the law concerning the processioning of lands.

Additional  
notice required.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the publication now required by law, any person wishing to have any lands processioned, shall, to all persons who claim lands adjoining, who live in this State, give ten days notice to all those (or if infants, to their guardians,) whose lands adjoin the land intended to be processioned, which notice shall be in writing, and served as other notices are required by law to be served in this Commonwealth, and written notice thereof shall be affixed to the door of the court house of the county or counties in which the land may lie, on a court day, at least ten days before said processioning shall commence; and the notices required herein, shall specify the place where the processioners shall meet.

Lands in two  
counties.

**SEC. 2** *Be it further enacted,* That where any person may have two or more adjoining tracts of land, a part of which may lie in one county, and a part in another, the processioners of either of said counties may procession the whole of said lands.

Part of the  
lines may be  
processioned.

**SEC. 3.** *Be it further enacted,* That any proprietor of land in this Commonwealth, not wishing to procession his entire tract or survey, may proceed to have any one or more of the boundary lines and corners of his survey ascertained, marked and established, in the same manner, and under the same restrictions and regulations, that he might have the whole survey processioned: *Provided,* That the rights of no one shall be affected by proceedings under this act, except such as shall be legally notified as herein directed; but where all those interested shall not be served with notice, the proceedings under this act shall, nevertheless, be valid and binding upon those who may have been served with notice, as required by this act.

Rights of persons  
not to be  
affected.

Approved, March 4, 1843.

## CHAPTER 226.

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AN ACT to increase the resources of the Sinking Fund.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several Sheriffs of this Commonwealth, to collect and pay into the public treasury, in addition to the tax now imposed by law, at the rate of five cents upon every one hundred dollars worth of property liable to be assessed under the existing laws of this Commonwealth; and the taxes to be levied upon the lands of non-residents shall be charged and collected at the same rate: *Provided*, That the additional tax hereby authorized to be raised, shall, whenever paid into the treasury, be carried to the credit of the Sinking Fund, to be applied to the principal and interest of the debts now owing by the State of Kentucky, for works of Internal Improvement: *Provided further*, That nothing in this act contained shall be construed to embrace debts due contractors, except for work now actually done and performed.

Approved, March 4, 1843.

## CHAPTER 228.

AN ACT concerning Steam Boats.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all proceedings by attachment in Chancery, under an act approved January 7th, 1824, entitled, "an act to prevent the masters of vessels and others, from employing or removing persons of color from this State," and an act, amending said act, approved February 12th, 1828, and also, an act approved January 28th, 1839, entitled, "an act giving to officers and others a lien on steam boats," and an act, amendatory of said act, approved February 12th, 1841, shall be at the option of the complaining party, *in rem*, against such steam boat, her engine, tackle and furniture, and it shall not be necessary to make the owners thereof defendants thereto, but the levy of such attachment upon any steam boat, her engine, tackle and furniture; and the leaving a copy of such process, with the master, clerk, pilot or other person having the care and possession of the same, shall be deemed and considered service upon the owners: *Provided*, That nothing herein shall authorize the complaining party to take such bill for confessed, or dispense with the necessity of the complaining party proving his claim, as in the proceedings in Chancery, against the property of non-residents, where a traverse is entered for such non-resident.

Remedy in behalf of persons holding claims against, changed and extended.

Service of process.

Answer may be filed, and by whom.

SEC. 2. *Be it further enacted*, That any owner or other person having any claim or title to such steam boat, her engine, tackle and furniture, may present his, her or their answer to said bill, petition, or other proceeding, under oath for affirmation, in

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which the interest or title of such person to the property attached, shall be clearly set forth, and the court shall permit such answer to be filed, as in other cases, where there has been a service, *in personam*, of the process.

Bond dispensed with upon certain conditions.

SEC. 3. *Be it further enacted*, That whenever any person shall present his or her bill or petition, properly verified by oath or affirmation, showing his or her claim to an attachment against said boat, under the two last mentioned acts, in the first section of this act mentioned, the proper officer having power to issue attachments, shall direct such attachment to issue, without requiring security of the party praying such attachment, as in other cases: *Provided*, The sum for which such attachment issued shall not exceed thirty five dollars: *And provided*, The party praying such attachment, will make affidavit that he or she is unable to give security: *And provided further*, That the officer having the power to issue such attachment, may, in his discretion, require of the party praying for the attachment, before the same shall issue, an affidavit of some disinterested person, that the claim is just, unless the complaining party shall make oath that he or she is unable to procure such affidavit.

Several attachments may issue on joint bill.

SEC. 4. *Be it further enacted*, That where two or more persons shall unite in such bill or petition for an attachment, as authorized by said acts, the attachment may issue as set forth in the third section hereof, in favor of each one of the complainants or petitioners, to the amount as set forth in said third section.

Approved, March 4, 1843.

#### CHAPTER 241.

AN ACT to regulate the terms of the Bourbon, Nicholas and Estill Circuit Courts, and attach the county of Owsley to the 10th judicial district, and for other purposes.

Bourbon.

Estill.

Nicholas.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the terms of the Bourbon Circuit Court shall commence, and be held on the second Mondays in the months of May, August and November, in each year, and each term shall continue eighteen juridical days, if the business thereof shall require it; and the terms of the Estill Circuit Court shall commence and be held on the third Mondays in the months of April, July and October, in each year, and each term shall continue six juridical days, if the business thereof shall require it; and the terms of the Nicholas Circuit Court shall commence and be held on the fourth Mondays in the months of April, July and October, in each year, and each term shall continue twelve juridical days, if the business thereof shall require it, except that the July term of said Nicholas Circuit Court, shall not continue more than six juridical days, unless there shall happen to be five Mondays in the said month



of July in which said term of the said Nicholas Circuit Court shall be so commenced and held.

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SEC. 2. That all process heretofore issued, or which may hereafter issue, returnable to any term of said courts, as now existing, shall be considered as returnable to the next terms respectively of said courts, as now provided for by law.

Process returnable.

SEC. 3. That the terms of the County Courts of Estill county shall commence and be held on the third Mondays of those months in which no Circuit Court is hereby required to be held.

Estill County Court.

SEC. 4. That all laws requiring a regular special chancery term of any Circuit Court to be held in any county of said judicial district, shall be, and the same is hereby, repealed.

Chancery terms repealed.

SEC. 5. That until the end of the next session of the General Assembly, the county of Owsley shall compose a part of the tenth judicial district, and the terms of said court shall commence and be held on the Thursdays next preceding the third Mondays in the months of April, July and October, in each year, and each term shall continue three juridical days if the business thereof shall require it, except that there shall be but one term of said court held in the present year, which term shall commence and be held on the Friday next preceeding the third Monday in October next; and the Owsley County Court shall hold its terms on the second Mondays of those months in which no Circuit Court is required to be held.

Owsley county attached to 10th judicial district, and terms of courts fixed.

SEC. 6. That this act shall be in force from and after the first day of April next.

Approved, March 7, 1843.

#### CHAPTER 246.

AN ACT authorizing the appointment of collectors of the revenue in certain cases.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the laws now in force, to authorize the Couty Courts to appoint collectors of the revenue, are insufficient—therefore

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in case any Sheriff shall fail to give bond, or otherwise refuse to act as Collector of the revenue, it shall be the duty of the County Court, forthwith to appoint a suitable person to collect the revenue; and the Collector, so appointed, shall be required to give bond and security in the same manner as Sheriffs are now required to give, under the existing revenue laws, and be subject to the same fines and penalties, in case of any failure to pay over the revenue, or other failure to do his duty according to law.

Collectors may be appointed by the County Courts.

SEC. 2. That should the County Court fail or refuse to appoint a Collector, under the provisions of this act, the Governor shall, so soon as he is informed of such failure, appoint a Collector, subject to all the revenue laws as aforesaid.

By the Governor.

Approved, March 7, 1843.

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## CHAPTER 249.

AN ACT to provide for a final settlement with the present Keeper of the Penitentiary, the election of another keeper, and for other purposes.

Mode and  
manner of set-  
tlement, and by  
whom to be  
made.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That for the purpose of making a final settlement with the present Keeper of the Penitentiary, up to the first of March, eighteen hundred and forty four, when the time for which he was appointed expires, the raw material, stock, and manufactured articles on hand, shall be valued by two disinterested persons, to be selected by the Commissioners of the Sinking Fund, at the expiration of the present Keeper's term of office; and said valuers shall take an oath before some Justice of the Peace, faithfully and impartially to value said property, at a fair, wholesale, cash value, and annex the value to each article thereof, and return the same to the Commissioners of the Sinking Fund, to be by them preserved; and said valuers shall make a complete inventory of the tools and implements of trade in the Penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the Keeper, for the tools and implements of trade, which were on hand when he last came into office, now on file in the Auditor's office, and if the same shall fall short of the valuation made in said receipt, the Keeper shall be charged with the deficiency; and if they exceed the valuation in said receipt, the Keeper shall be credited with one half of the excess; and it shall be the duty of the Commissioners of the Sinking Fund, and they are hereby authorized, to settle with the present Keeper, and to divide the raw materials, stock, manufactured articles, debts, and effects, belonging to the Penitentiary, in which the Keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts, and the return of the twenty five thousand dollars, with interest, which was advanced to the present Keeper, when he was last appointed Keeper, and to divide the profits equally between the Commonwealth and the said Keeper, in accordance with the law under which he became Keeper: the said valuers shall, also, make an inventory of the machinery now on hand, and annex the value to each article, with the view of being handed over to the new Keepers.

Capital set  
apart for future  
management.

Sec. 2. That a capital of twenty five thousand dollars, if there be so much belonging to the Commonwealth, shall be set apart, out of the raw materials, stock, manufactured articles, debts and effects, aforesaid, as a capital and fund for the more efficient and profitable management of the Penitentiary, and shall be loaned to the Keeper or Keepers, to be appointed under this act, for and during the time he or they may be in office, at an interest of six per cent. per annum, to be paid by the Keeper or Keepers, semi-annually, to the Commissioners of the Sinking Fund. And a Keeper or Keepers of the Peni-

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Mode of elect-  
ing Keeper.

tentiary shall be elected by a joint vote of the Legislature, at the present session, who shall have the entire control and management of said institution, except as otherwise provided for by law, and shall continue in office until the first day of March, 1849; subject, however, to be removed by the Legislature, whenever he or they shall fail to manage the institution in such manner as the interest of the State may require, and the law directs.

SEC. 3. That the Commissioners of the Sinking Fund shall deliver over to the said Keeper or Keepers, the raw materials, stock, manufactured articles, debts and effects, which the Commonwealth shall receive in the settlement with the present Keeper, to the value of twenty five thousand dollars, and one half of the balance, if there be more on hand than the twenty five thousand dollars; they shall, also, deliver over to him, the tools and implements of trade in the Penitentiary, and take his receipt for the same, on the inventory, with the value annexed to each article aforesaid, and file the same with the Auditor of Public Accounts; they shall, also, deliver to him all the machinery now on hand, and take his receipt on the inventory, with the value annexed to each article, as aforesaid, and file the same with the Auditor of Public Accounts.

Raw materi-  
als, &c. to be  
delivered over,  
and inventory  
taken.

SEC. 4. That the said Keeper or Keepers, shall pay the principal sum for the raw materials, stock, manufactured articles, debts and effects, which he shall receive from, and receipt to the Commissioners of the Sinking Fund for, whenever he or they shall cease to be Keeper or Keepers, or leave in the Penitentiary an equal amount of raw materials, stock, and saleable manufactured articles, at a fair cash, wholesale price, after settling and paying to the State that part of the profits which shall be coming to the Commonwealth, under the provisions of this act; he or they shall also pay to the Commonwealth, the principal sum for the tools and implements of trade which he shall receive and receipt for, or leave for the Commonwealth, tools and implements of trade of an equal, wholesale cash value, when he or they cease to be Keeper; and he or they shall pay to the Commonwealth the principal sum for the machinery which he or they shall receive and receipt for, when he or they cease to hold the office of Keeper, or leave for the Commonwealth, machinery fit for the use of the institution, of equal, wholesale value; and he or they shall settle with the Commissioners of the Sinking Fund, on the first of March in each year, and pay over to them, the profits which the Commonwealth shall be entitled to under this act: *Provided*, Such profits can be had out of the cash on hand, bills of exchange, or notes; or should the Commissioners of the Sinking Fund, in case such profits cannot be had as aforesaid, be of opinion that they can make a proper disposition of any of the manufactured articles so as to turn the profits of the State into cash, they shall have the right to do so, but not to take any portion of the raw materials or stock on hand for this purpose.

Value of raw  
materials, &c.  
to be paid for,  
when and how.

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Guards to be  
employed.

Physician.

New machinery  
may be erected.

Keeper to take  
entire management.

Compensation  
to Keeper.

Oath of Keeper,  
and bond to  
be given.

Condition.

Sec. 5. That it shall be the duty of the Keeper or Keepers, to employ not less than four suitable persons as a guard for the safe keeping of the criminals, one of whom shall be selected as an Assistant Keeper, and he shall employ a Physician to attend to the health of the prisoners: *Provided*, That no person shall be employed as a Guard, Assistant Keeper, or Physician, without the approbation of the Governor.

Sec. 6. That the said Keeper or Keepers, shall be at liberty to erect in said institution, at joint expense, such additional machinery as he may deem best calculated to promote the interest of the institution: *Provided*, He shall first obtain the approbation of the Commissioners of the Sinking Fund; *And provided also*, That all machinery so erected, shall, at the expiration of the time said Keeper or Keepers may continue in office, be the sole property of the State.

Sec. 7. That it shall be the duty of the said Keeper or Keepers, to take upon himself or themselves, the whole management and expense of said institution, in such manner as he or they may deem best for the interest thereof; to provide for the clothing and victualing of the convicts, for their guard and safe keeping, and to defray all other expenses incident to the management and well being thereof, and to see that an accurate account thereof, together with the proper vouchers upon which such account is founded, is rendered to the Clerk, to be entered by him upon the books of the Penitentiary.

Sec. 8. That the said Keeper or Keepers, shall receive as a compensation for his or their services and liabilities, in the management of said institution, one third of the net profits thereof, after defraying all the expenses of the institution, and expenditures authorized and required by this act; and in the event of his removal or death, he or they, or his or their representatives, as the case may be, shall be entitled to his or their just proportion, up to that time, of the net profits of said institution.

Sec. 9. That before the Keeper or Keepers, shall enter upon the discharge of the duties of the office, he or they shall take the following oath: "I, or we, do solemnly swear, that I, or we, will faithfully and impartially discharge the duties of Keeper or Keepers of the Penitentiary, according to law." And the said Keeper or Keepers, shall, also, enter into bond, in the office of the Secretary of State, with five or more sureties, to be approved by the Governor, in the penalty of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he or they will faithfully perform the duties of Keeper or Keepers according to law, and perform all the duties imposed by this act, and refund to the Commonwealth the full amount to which the raw materials, stock and manufactured articles on hand may be valued, and for which he is required to give a receipt, under the third section of this act, with interest at the rate of six per cent. per annum thereon, payable semi-annually, the principal to be paid at the expira-

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tion of his or their term of service; and that he or they shall account for all tools, implements of trade, and machinery, as required by this act, and pay to the Commissioners of the Sinking Fund, at the close of each year, as provided in the fourth section, such proportion of the profits as may be due to the State; which bond shall be filed with the Auditor, and may be sued upon on behalf of the Commonwealth, as often as the conditions thereof are violated.

SEC. 10. That the Keeper or Keepers, shall make an annual report to the Legislature, during the first week of its session, of the general condition, operations, and business of the institution.

Annual report to be made.

SEC. 11. That the exercise of the right to reprieve or pardon by the Governor, shall not in any way be considered by the Keeper or Keepers, as a violation of the provisions of this act: *Provided however*, That if the State's proportion of net profits of said institution shall, in any year, fall short of the sum of five thousand dollars, including any account which the State may make with said institution, the said Keeper or Keepers, shall make up the deficiency, so as to guaranty a clear profit to the State, of at least five thousand dollars.

Right of pardon.

Profits.

SEC. 12. That in the event of the death of the Keeper or Keepers, or his or their refusal to qualify or give bond, agreeably to the provisions of this act, it shall be the duty of the Governor to appoint a Keeper of the Penitentiary, who shall continue in office until the end of the next annual session of the Legislature, unless otherwise provided for by law.

Vacancy how filled.

SEC. 13. That the Governor, with the advice and consent of the Senate, shall appoint a Clerk for the Penitentiary, to continue in office two years, whose duty it shall be to keep a true and faithful account of all the transactions of every kind, relating to the business, contracts, expenditures and income of said institution, and to make quarterly reports to the Commissioners of the Sinking Fund, stating therein the debits and credits, and balances for and against the institution, and when due to and from the same. It shall also be his duty to keep a journal, ledger, and cash book, in which the accounts of the institution shall be fully and fairly entered, according to the usual course of business and book-keeping, and have the accounts which may accrue each week, posted up at the end thereof: *Provided*, That the said Clerk shall, before he enters upon the duties of his office, take an oath, before some Justice of the Peace, faithfully and impartially to discharge the duties of Clerk of the Penitentiary; and shall, also, execute bond, to be approved of by the Governor, and filed in the Auditor's office, in the penalty of ten thousand dollars, with good and sufficient security, payable to the Commonwealth of Kentucky, conditioned that he will well and truly and faithfully perform, as Clerk of the Penitentiary, all the duties enjoined on him by law, or which may appertain to the duties of his office as Clerk.

Clerk to be appointed, his duties.

Shall take an oath and give bond.

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Clerk may be removed, and vacancies filled.

SEC. 14. That the Governor shall have the power to remove the Clerk, at any time, for incompetency or misdemeanor in office, and appoint another in his place; and should it become necessary, by reason of the sickness or death of the Clerk, or any other accident, that another Clerk should be appointed, the Governor shall make such appointment, *pro tem.* as he may deem necessary, which Clerk, so appointed, shall take the like oath, and enter into like bond, until another is appointed as prescribed in section thirteenth of this act.

Books may be inspected.

Clerk's salary.

SEC. 15. That the books of said Clerk shall, at all times, be open to the inspection of any committee of the Legislature, and to the Commissioners of the Sinking Fund; and that said Clerk shall receive the sum of seven hundred and fifty dollars and no more, per annum, which shall be paid him by the Keeper or Keepers of the Penitentiary, quarterly, out of the joint profits of the institution.

Penalty for false entries.

SEC. 16. That if said Clerk shall make any false or fraudulent entry, or omit to make any entry that he should make, with a fraudulent intent, it shall be the duty of the Governor and Commissioners aforesaid, forthwith to remove him from office, and he shall be liable, moreover, to be indicted in the Circuit Court of Franklin county, and be fined in any sum not exceeding one thousand dollars.

Keeper to furnish capital.

SEC. 17. That the Keeper or Keepers, to be elected under this act, shall be considered as bound to furnish the capital requisite to carry on the Penitentiary, and he shall not purchase raw material, stock, or provisions, on credit, without the written consent of the Governor, which written consent shall be filed with the Clerk, and he shall have the right to pay up, at any time, the amount of the raw material, stock, manufactured articles, debts and effects which he shall receive on going into office, and relieve himself from the interest.

Visitors.

SEC. 18. That the Auditor, Treasurer, Register, and Attorney General, be, and they are hereby, appointed a Board of Visitors, whose duty it shall be, to visit the Penitentiary as often as they may deem proper, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require.

Sum of \$250 to be expended in moral and religious instruction, and clothing, &c. to be furnished.

SEC. 19. That the sum of two hundred and fifty dollars shall be annually expended for the moral and religious instruction of the convicts; that tobacco, in such quantities and at such times as may be necessary, be furnished to the convicts; and that the Keeper or Keepers, shall pay to any convict who has been confined in the Penitentiary, when he shall be discharged therefrom, the sum of five dollars, one hat, one new janes coat and pantaloons, one waistcoat, two new shirts, one pair of socks and one pair shoes, all of which expenses shall be paid out of the profits of the institution.

SEC. 20. The sum of one hundred dollars is hereby appropriated to purchase, under the direction of the Governor of this Commonwealth, an additional number of moral and religious books, to be added to the present Library in the Penitentiary; and said Keeper or Keepers, shall have said books given out and returned every week, so that they shall be well taken care of.

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Appropriation for purchase of books.

SEC. 21. The Keeper of the Penitentiary shall not be permitted to make any other improvement thereon unless directed by law.

Improvements.

Approved, March 8, 1843.

CHAPTER 252.

AN ACT to regulate certain Courts in the 15th Judicial District.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Harlan Circuit Court shall, from and after the passage of this act, commence on the second Mondays in April, July and October, and continue five juridical days, if the business of said Court shall require it.

Harlan Circuit Court.

SEC. 2. The Letcher Circuit Court shall commence on the third Mondays in April, July and October, and continue two juridical days.

Letcher.

SEC. 3. The Perry Circuit Court shall commence on Thursday after the third Mondays in April, July and October, and continue three juridical days.

Perry.

SEC. 4. The Breathitt Circuit Court shall commence on the fourth Mondays in April, July and October, and shall continue four juridical days.

Breathitt.

SEC. 5. The Clay Circuit Court shall commence on the first Mondays in May, August and November, and shall continue twelve juridical days, if the business of the Court shall require it.

Clay.

SEC. 6. *Be it further enacted*, That all process, and all other business made returnable to any and all of the aforesaid courts, at their terms as regulated before the passage of this act, shall be made returnable to, and set for trial at the terms of said courts, as regulated by this act, and shall be as good and valid in law, to all intents and purposes, as if they had been made returnable, and set for trial at the terms prescribed by this act.

Process returnable, &c.

SEC. 7. That from and after the passage of this act, the Knox Circuit Court shall continue twelve juridical days, if the business of said court shall require it.

Knox Circuit Court.

Approved, March 8, 1843.

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## CHAPTER 254.

AN ACT to change the time of holding the Letcher County Court, and for other purposes.

Change of  
Letcher County  
Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Letcher County Court shall commence on the first Monday in each month, in which no Circuit Court is held.

Perry County  
Court to settle  
with Commissioners  
of vacant lands.

SEC. 2. *Be it further enacted,* That it shall be the duty of the County Court of Perry county, previous to the next June term, to settle with the Commissioners of said county for vacant lands; and after such settlement, it shall be the duty of said court, to ascertain the amount of money on hand, when the county of Letcher was established, for land sold in said county of Letcher, and cause the same to be paid over to the order of the County Court of Letcher, within six months after the settlement with the Land Commissioners in Perry county.

Jailer of Knox,  
residence of.

SEC. 3. *Be it further enacted,* That the Jailer of Knox county may reside any where within the town of Barboursville.

Constable's  
district in  
Williamsburg  
changed.

SEC. 4. *Be it further enacted,* That the Constable's District in the town of Williamsburg, in the county of Whitley, shall be, and the same is hereby, extended, so as to include the residence of Jonathan Foly.

Rough creek  
precinct in  
Breckinridge  
changed.

SEC. 5. *Be it further enacted,* That from and after the passage of this act, the election precinct heretofore held at Green's Falls, on Rough creek, in Breckinridge county, and known by the name of the Rough Creek Precinct, be, and the same is hereby, removed to the house of Solomon Chamblisses, on the Bowlinggreen State road, in said county, about two miles from said Falls of Rough; and that all elections held at said precinct, be governed by the laws governing elections in this Commonwealth.

Approved, March 8, 1843.

## CHAPTER 258.

AN ACT to amend the charters of the Banks of Kentucky.

Bank of Louisville  
to establish two  
branches, and not  
to employ less  
than \$100,000  
in each.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the President and Directors of the Bank of Louisville, shall, within three months from and after the passage of this act, establish two branches of said Bank for offices of discount and deposit in this Commonwealth, one of said branches shall be in the town of Paducah, in the county of McCracken; and said President and Directors shall, as soon as practicable, and within three months from the passage of this act, select the place for the location of the second branch; and the said President and Directors of the principal Bank shall, at no time, employ in either of said branches, a cap-



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ital of less than one hundred thousand dollars, but may increase the same, but in no event to employ in said branches more than half the capital of said Bank, and may issue notes or bills, payable to bearer or on demand, at said offices of discount and deposit.

SEC. 2. The President and Directors of the principal Bank at Louisville, shall appoint a President and four Directors, a Cashier and such other officers as they may deem necessary, to each of said branches, taking care to appoint as President and Directors, qualified stockholders; and said President and Directors of the principal Bank at Louisville, shall also, prescribe such rules and regulations for the government of the branches, as they may deem right; and shall have power to enforce the same, and also to fill all such vacancies as may at any time occur; and the President and Directors of said branches shall be appointed for one year, but subject to be removed by the President and Directors of the principal Bank, at any time.

To appoint President and four Directors, Cashier, and other necessary officers; but subject to removal.

SEC. 3. The Directors of each of the branches shall appoint such other officers as the President and Directors of the principal Bank shall direct, and not less than a majority of the Directors of said branches, shall form a quorum for the transaction of business; and the President and Directors of said branches, shall be the owners of at least five shares, each, of stock in said Bank, at the time of their qualifying as such officers.

President and Directors own at least five shares of stock.

SEC. 4. The President and Directors of the principal Bank at Louisville, shall allow to the Presidents of said branches such reasonable compensation for their services as they may, from time to time, deem just; but no compensation shall be allowed to any Director of the branches or principal Bank unless the same be voted by the stockholders at some regular meeting.

President and Directors may be allowed compensation.

SEC. 5. That the President, Directors, Clerk, Teller, and other officers of said branches, previous to entering on the discharge of their duties, shall take an oath, before some Justice of the Peace of this State, faithfully, honestly, impartially, and to the best of their abilities, skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

To take an oath.

SEC. 6. The Cashier or Clerks of each of the branches shall execute bond, with such security as may be approved by the President and Directors of the principal Bank, in such penalty, and with such condition or conditions as may be imposed or required by the President and Directors of the principal Bank, which bond shall be made payable to the President, Directors and Company of said mother Bank at Louisville, and may be sued on at any time the conditions of the same are broken or violated.

Cashier to give bond and security.

SEC. 7. That if the Cashier, Clerk, Teller, Agent, or other officer of either of said branches shall, without the authority of

Any appropriation of mo-

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ney by the  
Cashier, Teller,  
Clerk or Agent,  
without the au-  
thority of the  
Board, or in-  
tentionally de-  
frauding the  
Bank, felony.

the President and Directors of the branch, as the case may be, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the Bank, with intent to cheat or defraud the corporation, or any person, to hide or conceal any improper appropriation of the funds of the corporation, the officer, so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State, for a period of not less than five nor more than twenty years.

Location of  
the branches  
may be re-located.

SEC. 8. That the President and Directors of the principal Bank, may withdraw and re-locate either of said branches, should either branch not be safely and properly managed and directed, or shall fail to yield a net dividend of six per cent. per annum, upon the amount of capital which shall have been allowed to such branch.

President and  
Directors of  
principal Bank  
to own ten  
shares.

SEC. 9. That hereafter it shall not be necessary for the President and Directors of the principal Bank to be the owners of more than ten shares of stock in said Bank, and the number of Directors shall consist of seven, a majority of the Directors to form a quorum.

Rights of the  
principal Bank  
extended to  
the proposed  
branches.

SEC. 10. That all the rights, privileges and emoluments granted by the charter to the said principal Bank, are hereby extended to, and granted to said branches, as offices of discount and deposit, to exercise all banking privileges as fully and amply as by said charter is granted said principal Bank, subject however, to the limitations and restrictions herein provided, and to the authority and control of the President and Directors of the principal Bank, as mentioned in this act.

Charter ex-  
tended until  
1st Jan. 1863,  
on condition;  
but stockhold-  
ers at expira-  
tion of original  
charter may  
elect to wind  
up, or Legisla-  
ture may repeal  
this extension.

SEC. 11. That in consideration of the said President and Directors of the principal Bank establishing the said two branches, and upon the same being done in good faith, the charter of said Bank is, and shall be renewed and continued until the first day of January, one thousand eight hundred and sixty three: *Provided*, The stockholders shall elect at their first meeting, to have it extended. And should said Bank establish the branches herein provided, they shall also have a right to determine, at the expiration of the original charter, whether they will go into liquidation, and wind up the concerns of the Bank; and the right, at the first Legislature after the termination of its original charter, is hereby reserved to repeal the extension of the charter hereby made.

Bank may  
purchase in at  
current price,  
and retire 150-  
000 dollars of  
the stock.

SEC. 12. That it shall be lawful for the Bank of Louisville to purchase in, at the current rate, and retire one hundred and fifty thousand dollars of the stock of the said Bank of Louisville, out of the Treasury notes or proceeds of the Treasury notes now on hand, or out of debts due the Bank by the stockholders thereof.

SEC. 13. *Be it further enacted*, That the said Bank shall have power to loan money and purchase bills, upon the pledge

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of real estate, and to secure the same, shall have the right to take a mortgage on any real estate.

SEC. 14. *Be it further enacted.* That the Bank of Kentucky, and the Northern Bank of Kentucky, and the Bank of Louisville, be, and they are hereby, restored to all their corporate privileges, and released from all the forfeitures which they may have heretofore incurred by the suspension of specie payments: *Provided*, That this section shall apply only to such of said Banks as shall comply with the provisions of this act, but if the next Legislature fail to take legal steps to enforce the forfeiture, on account of any failure on the part of any of the Banks to comply with the provisions and conditions, hereby imposed, such failure to act shall be deemed and held in law, as conclusive evidence of the fact of a compliance, and the restoration of the charters shall be complete and unconditional.

All the Banks of Kentucky restored to their chartered privileges, and released from any forfeiture heretofore incurred, provided they comply with this act.

SEC. 15. *Be it further enacted,* That it shall be the duty of the said Banks, within three months, to loan to the citizens of each of the ten Congressional Districts, in which the Bank of Louisville may not locate a branch, upon new accommodations, in sums of not more than one thousand dollars to each individual applicant, to be re-paid in calls of not more than ten per cent. upon the original amount loaned for the two first one hundred and twenty days the said loan shall run, and not more than twenty per cent. for each one hundred and twenty days it may afterwards run, an amount not less than one hundred thousand dollars to each Congressional District: *Provided*, That if there should not be suitable and satisfactory applications for the amount to which any district may be entitled, before the first day of July next, then the said Banks may lend in larger sums than one thousand dollars: *Provided however*, That if said Banks shall fail to make the loans herein provided for within the time stated, for the want of proper and satisfactory applications therefor, then the said Banks shall have the benefit of the provisions of this act in case they shall make the loans as aforesaid, to the amount named, within the year 1843.

Bank of Louisville to loan in each Congressional District in which she may locate a branch \$100,000, if applied for; not over \$1,000 to each applicant. Calls shall not exceed 10 per ct. on the two first 120 days, and then not more than 20 per ct. each 120 days. After 1st July, 1843, may loan in larger amounts than \$1,000, if the amount is not loaned before.

SEC. 16. It shall be the duty of the Bank of Kentucky to make the said loans in Districts Nos. 7 and 3; and it shall be the duty of the Northern Bank of Kentucky, to make the said loan in the remaining Districts in the State, in which the Bank of Louisville shall not have located a branch of her Bank, and should the Bank of Louisville fail to locate the branches, the loans shall be apportioned throughout the whole of the districts.

Bank of Kentucky to make loans in No. 7 and 3; Northern Bank to make the required loans in Districts in which Bank of Louisville fails to locate.

SEC. 17. It shall be the duty of the Governor of Kentucky, upon satisfactory proof being made to him, by the Bank of Kentucky, that she has made the said loans in Districts Nos. 7 and 3, in addition to the aggregate amount of the business of said Bank, as reported to this Legislature, to receive from the Bank of Kentucky, upon her tendering the same, one mil-

When Bank Ky. makes the loans in Districts No. 7 & 3, and so reports to the Governor, he may re-

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ceive 1,000,000 of the 5 per cent. bonds now held by said bank, to be cancelled. Bank to release her claim for 125,000 dollars.

On complying with this act, by Northern Bank Ky., Governor to withdraw 750,000 dollars of the five per cent. bonds and cancel them; if not, Governor to receive and cancel \$100,000 of bonds for each \$100,000 which the Bank may loan: *provided*, the B<sup>k</sup> in good faith offers and fails to make the loans, and to satisfy the Governor.

Number of directors in N. Bank and B<sup>k</sup> Kentucky reduced to eight, five a quorum, two to go out every year—directors in the branches reduced to six.

May issue notes of less than \$5, but not less than \$1.

lion of the 5 per cent. bonds of the State of Kentucky now held by said Bank, and to cancel the same, and the stock of the State of Kentucky in said Bank, shall be reduced one million of dollars: *Provided*, The said Bank shall release to the State, the disputed claim for the sum of one hundred and twenty five thousand dollars, interest on said bonds, now appearing in the report of said Bank.

SEC. 18. It shall be the duty of the Governor of the State of Kentucky, to receive from the Northern Bank of Kentucky, seven hundred and fifty thousand dollars of the 5 per cent. bonds of the State of Kentucky, now held by said Bank, and to cancel the same, upon satisfactory proof being made to him, that loans had been made in good faith as above directed, to the amount of one hundred thousand dollars, in each of the said six Congressional Districts, in addition to the aggregate amount of business of said Bank, as reported to this Legislature. And should the said Bank not have loaned the said amount of money in each of the six Congressional Districts as aforesaid, then the Governor of the Commonwealth shall receive from said Bank the 5 per cent. bonds and cancel them, to an amount equal to one hundred thousand dollars, for each and every one hundred thousand dollars which the said Bank shall, in good faith, have made the loans, as provided above: *Provided further*, The said Bank shall give satisfactory evidence to the Governor of Kentucky, that they have, in good faith, endeavored to make the loans in all the Districts, but have been prevented by want of proper applications for said loans: *And, provided further*, That the stock of the State of Kentucky in said Bank shall be reduced to the amount of the bonds so received by the Governor of Kentucky and cancelled.

SEC. 19. *Be it further enacted*, That the number of Directors in the parent Bank of the Bank of Kentucky and of the Northern Bank of Kentucky, shall hereafter consist of eight Directors, five to constitute a quorum, six of whom shall be chosen by the Stockholders, and two shall be appointed by the State as heretofore; and the President shall be chosen out of the said number of eight as heretofore: *And provided*, That two of the Directors of the said Bank, elected by the Stockholders, shall go out every year; and the Directors in the branches shall be reduced to six, four of whom shall form a quorum, two of whom shall go out annually, and the Presidents to be appointed by the parent Bank.

SEC. 20. *Be it further enacted*, That the Bank of Kentucky, and the Northern Bank of Kentucky, and the Bank of Louisville, shall have the privilege of issuing Bank notes of a denomination less than five dollars, and not less than one dollar, which shall be signed and executed as heretofore: *Provided*, That the authority to issue notes of a less denomination than five dollars, shall not extend beyond the first of January, 1846.

SEC. 21. It shall be the duty of said Banks, in making the loans herein provided for, to divide the sum going to each district, among the several counties composing such district, in proportion to the number of voters in each county respectively, as near as may be: *Provided*, That if there be not good and satisfactory applications from any county for the full amount to which such county is entitled, within ninety days from the first of March, 1843, then the said Banks may lend the remainder of the share of such county, to citizens of other counties in the same district.

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Loans to be apportioned in several counties agreeably to number of qualified voters —loans may be made to other counties.

SEC. 22. *Be it further enacted*, That the Governor shall be authorized, after the stock of the State in said Banks has been cancelled, as herein provided, to sell not exceeding one million seven hundred and fifty thousand dollars of the bonds or scrip of the State of Kentucky, in sums of not less than one thousand dollars each, bearing an interest of five per centum per annum, payable semi-annually in the city of New York, and having not more than thirty years to run, and to invest the proceeds thereof in the stock of the Northern Bank of Kentucky, the Bank of Kentucky, and the Bank of Louisville, at its market value: *Provided*, That the stock of the Northern Bank of Kentucky and the Bank of Louisville, can be bought for ten dollars per share less than one hundred dollars of said bonds may be sold for; and that the stock of the Bank of Kentucky can be bought for twenty dollars less per share than one hundred dollars of said bonds may be sold for; and the stock so purchased shall stand in the name of, and be held by the Commissioners of the Sinking Fund, and the dividends thereon shall be appropriated, by said Commissioners, to the payment of demands against said Fund.

Governor authorized to sell \$1,750,000 of State scrip, on certain conditions.

SEC. 23. *Be it further enacted*, That it shall be lawful for the Northern Bank of Kentucky, to establish a branch of said Bank, with a capital of not less than one hundred thousand dollars, at some suitable site or town, in which no Bank is now located, said branch to be subject to, and governed by the same laws, rules and regulations as their other branches, with the privilege to withdraw and re-locate the same, provided the business of said branch should not be safely and properly managed, or shall fail to yield a net dividend of six per centum per annum, upon the amount of capital allowed said branch.

North'n Bank may establish one additional branch.

SEC. 24. *Be it further enacted*, That if the said Bank shall locate the branch aforesaid, within three months from the passage of this act, it shall be considered in substitution of the one hundred thousand dollars to be loaned by the said Bank to the congressional district in which it is located.

Establishment of a branch in 3 months to be considered equivalent to a loan of \$100,000 to the district where located.

Approved, March 8, 1843.

AN ACT concerning the mileage of the members of the General Assembly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the mileage of the members of the General Assembly, shall be charged and computed by the nearest route usually travelled by land, and that they be allowed pay for tolls.

Approved, March 9, 1843.

## CHAPTER 262.

AN ACT to amend the law respecting the Lexington and Ohio Railroad.

Preamble.

WHEREAS, Philip Swigert and William R. McKee, with their securities, heretofore signed, sealed and delivered to the Governor of this Commonwealth, their bond, in the penalty of twenty thousand dollars, conditioned to be void if said Swigert and McKee should, within fifteen days after notice from the Governor, that the Lexington and Ohio Railroad was repaired, and ready for the steam cars, lease the same, at an annual rent of twenty thousand dollars, payable semi-annually, and give bond in the penalty of one hundred thousand dollars, for the payment of said rent: And whereas, that portion of said road from Lexington to the head of the inclined plane, near Frankfort, is completed, and in a condition to receive the cars, and the same from the head of said plane to the Kentucky river, in Frankfort, will soon be ready, and the repairs and extensions of the same from Louisville to Portland, to the Lower Ferry Landing cannot be repaired and extended, as contemplated, until certain legal obstructions are removed, and the said Swigert and McKee being willing and desirous to take possession and use the said road, and the property belonging to the same, as purchased by the State—therefore,

Board to lease road on certain conditions.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvement be, and they are hereby, authorized and directed, upon the said Swigert and McKee first entering into a lease, with good security, to be approved of by the said Board, in the penalty of one hundred thousand dollars, payable to the said Commonwealth, for the annual rent of twenty thousand dollars, payable semi-annually, to lease the same for the term of seven years, with a condition therein, that said lessees shall be entitled to an abatement, at the rate of three thousand dollars per annum, until the Portland division shall be repaired and extended, and they shall have received ten days notice from the Governor, that the same has been repaired and extended; from the expiration of which notice, no further abatement of the annual rent of twenty thousand dollars will be required, but the whole shall commence running: *And provided*, That

Provide.

said lessees shall be entitled to a further abatement on the rent, of a sum not exceeding six hundred dollars, to be agreed upon by the said Board and lessees, for the want of the use of the said road, from said inclined plane to the river, until the same is completed.

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SEC. 2. That said Board of Internal Improvement, are hereby authorized and directed to apply a portion of the one hundred thousand dollars heretofore appropriated to pave the wharf, and build a suitable warehouse, out of timber, on the Kentucky river, at the termination of said road, in Frankfort, and also a small family residence, at the head of the inclined plane: *Provided*, The same does not exceed the sum of two thousand five hundred dollars for the whole: *And, provided further*, That the same be made upon the State's ground.

Board may make additional improvements.

SEC. 3. That it shall not be lawful for any Court, or Judge, or Justice of the Peace, having authority to grant injunctions in this Commonwealth, to grant any injunction against the lessees of said road, or any person using or laboring thereon under said lessees, without first requiring the person or persons applying therefor, to give bond, with good and sufficient security, payable to the Commonwealth, for the use of the Commonwealth, or of said lessees of said road, conditioned to pay all costs and damages which the Commonwealth or said lessees may sustain, in consequence of suing out the same.

No court to grant injunctions.

Approved, March 9, 1843.

CHAPTER 266.

AN ACT directing an enquiry concerning certain grants of land to Jacob Lewis.

WHEREAS, by an act entitled, an act to encourage the manufacture of Queensware, approved February 11th, 1834, and likewise an act, entitled, an act to amend an act to encourage the manufacture of Queensware, approved February 27th, 1835, certain rights and privileges were conferred to one Jacob Lewis, sole proprietor of the Lewis Pottery, in the city of Louisville, which rights and privileges were granted upon certain conditions and considerations, tending to public good, and the encouragement of the Arts and Sciences within this Commonwealth: And whereas, it is apprehended that the land intended by said recited acts, to be granted to the said Lewis, for the sole purpose of the manufacture of the clay thereof into Queensware, in said Pottery, which has been represented to have been converted to other and different purposes, in violation of the letter, spirit and intention of the preamble of said recited acts, and the intention of the grant—therefore, for remedy thereof, and that justice may be done the good people of this Commonwealth,

Preamble

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the At-

Duty of Commonwealth's Attorney.

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Duty of court.

torney for the Commonwealth, of the district in which said land is situate, to enquire into the facts and circumstances of the entry, selection and grant, by the Register of the Land Office, of any lands under the said recited acts, to the said Jacob Lewis, and likewise into the facts and circumstances tending to shew fraud, if any, on the part of said Lewis, or his assigns, in the obtention of said grants, and whether the lands were selected and entered by him for the purposes recited in the preamble of said recited acts, and whether said lands have not been appropriated to uses and purposes different than the intention, letter and spirit of said acts, and the grant of lands to said Lewis, or assigns; and if, upon said enquiry and investigation, the said Attorney should be satisfied that said lands, thus appropriated, or any part thereof, have been obtained by said Lewis, or his assigns, in fraud of the intention and spirit of the said recited acts, and in fraud and violation of the condition and consideration of the grant of said land, or any part thereof, to said Lewis, then, and in that case, he, the said Attorney, shall, by bill, *scire facias*, or other legal mode of proceeding, filed and exhibited in the Circuit Court of the county in which all or any part of said land, thus intended to be granted to said Lewis, may be situate, setting forth in said bill, *scire facias*, or other legal mode of proceeding he may select, all the facts and circumstances in relation to the selection of said lands, or any part thereof, by the said Lewis, and the uses and purposes to which the same, or any part thereof, is, or has been, appropriated by said Lewis, or his heirs or assigns, and any other fact or facts tending to shew fraud and violation of the intention, condition and consideration of the said recited acts, and the grant of said land, or any part thereof, to said Lewis, that he may deem right and proper; upon which proceeding, thus filed, process shall issue and be executed, as in other chancery proceedings in said court. And if, on final hearing thereof, it shall appear to the satisfaction of the court, that fraud has been committed by the said Lewis, or his assigns, in the selection, entry, or appropriation of said land, or any part thereof, under the said recited acts; or that said lands, or any part thereof, have fraudulently been procured, or appropriated or used by the said Lewis, his assigns or grantees, for uses and purposes other than those recited in said acts, and the preamble thereof, then, and in that event, the said court shall have power and jurisdiction, by appropriate decree or order, to direct said grants, certificates, or other paper evidence of title held by the said Lewis, or his assigns, from the Commonwealth, to be given up, surrendered, cancelled and set aside; and said court shall have all the power and jurisdiction, in the trial of said case, that she now has in any other chancery proceeding, in order to do right and justice to the Commonwealth, and the said Lewis, or his assigns, in the premises.



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Proceeding  
in the name of  
Com'th.

SEC. 2. That the said proceeding shall be in the name of the Commonwealth of Kentucky, and either party shall have the right of appeal, or writ of error, to the Court of Appeals, as in other cases: *Provided*, That should said land, or any part thereof, revert back to the Commonwealth, such land shall not be entered, or otherwise disposed of, until ordered by the Legislature.

Approved, March 9, 1843.

CHAPTER 267.

AN ACT to legalize the proceedings of the Crittenden Circuit Court, and for other purposes.

WHEREAS, by the third section of an act entitled, an act to establish the county of Crittenden, and for other purposes, approved January 26th, 1842, it is provided that the County and Circuit Courts for said county, shall be had and holden at the house of Samuel Ashley, until suitable public buildings are erected at the seat of justice for said county: And whereas, experience has shown that great inconvenience results to the public by holding court at said place, for want of suitable buildings—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the County and Circuit Courts for the county aforesaid, shall sit and hold their respective terms at the brick meeting house, near the town of Marion, the county seat for said county, or in any other house that may be procured in said town for that purpose.

SEC. 2. That the proceedings of all County and Circuit Courts that have heretofore been held at said brick meeting house, for said county, since the passage of said recited act, be, and the same are hereby, legalized, and declared as valid as if said terms had been held at the house of Samuel Ashley, as therein directed.

Approved, March 9, 1843.

CHAPTER 268.

AN ACT concerning the vacancy of the office of Sheriff of Clay county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, whenever the offices of Sheriff and Coroner, shall become vacant by death, resignation or otherwise, in the county of Clay, and from and after the passage of this act, during the present vacancy in said offices, it shall be the duty of the Clerks of the courts in said county, to issue and direct all process to any Constable of said county, or the Surveyor of said county, at the option of any

Process to be  
directed to con:  
stable or sur-  
veyor.

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## CHAPTER 273.

AN ACT to legalize the proceedings of the Knox County Court, at their April and May Terms, 1840.

WHEREAS, it is represented to the present General Assembly, that the April and May terms, 1840, of the Knox County Court were, by mistake of the Justices of said county, held on the first Mondays in said months of April and May, 1840, under the belief, from incorrect information, that the law authorized and required said courts thus to be holden, when, in fact, the law required said courts to be holden on the fourth Mondays in said months—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts and proceedings of the April and May terms of said Knox County Court, so holden, be, and the same are hereby, legalized, and made valid and effectual in law, for all purposes whatever, as fully, and to the same extent, as though said courts had been holden on the days prescribed by law.

Approved, March 9, 1843.

## CHAPTER 274.

AN ACT to divide the State into Congressional Districts.

Districts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That this State shall be, and is, divided into ten Congressional Districts, as follows: The first district shall be composed of the counties of Hickman, Ballard, Graves, McCracken, Marshall, Calloway, Trigg, Caldwell, Crittenden, Livingston, Union and Hopkins. The second district shall be composed of the counties of Christian, Muhlenburg, Henderson, Daviess, Ohio, Butler, Hancock, Breckinridge, Grayson, Edmonson and Meade. The third district shall be composed of the counties of Todd, Logan, Simpson, Warren, Allen, Barren, Monroe and Hart. The fourth district shall be composed of the counties of Cumberland, Clinton, Wayne, Pulaski, Russell, Adair, Green, Casey, Lincoln and Boyle. The fifth district shall be composed of the counties of Hardin, Nelson, Bullitt, Spencer, Washington, Marion, Anderson and Mercer. The sixth district shall be composed of the counties of Garrard, Madison, Rockcastle, Laurel, Knox, Estill, Owsley, Clay, Perry, Letcher, Whitley, Harlan, Pike and Floyd. The seventh district shall be composed of the counties of Jefferson, Shelby, Henry, Oldham, Trimble and Carroll. The eighth district shall be composed of the counties of Bourbon, Fayette, Jessamine, Woodford, Scott, Franklin and Owen. The ninth district shall be composed of the counties of Clarke, Montgomery, Bath, Morgan, Fleming, Greenup, Carter, Lewis, Lawrence and Breathitt. The tenth district shall be composed of the counties of Mason, Nicholas, Bracken, Pendle-

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ton, Campbell, Kenton, Grant, Boone, Gallatin and Harrison. That the county of Larue be added to the fifth district, and that Johnson county be added to the sixth district.

SEC. 2. *Be it further enacted*, That on the first Monday in August next, and on the same day of said month every two years thereafter, the qualified voters of the several districts aforesaid, at the places where they vote for Representatives in the General Assembly, shall vote for some fit person, who shall reside in this State, being twenty-five years of age, and having been seven years a citizen of the United States, to represent them in the Congress of the United States.

Time to vote  
for Congress-  
men.

SEC. 3. *Be it further enacted*, That the Sheriffs of the several counties in each district, shall, on the fourth Monday in said month of August, assemble at the places herein mentioned, in each of their respective districts, and there, by faithful comparison and addition, ascertain the persons elected in their respective districts; that is to say—in the first district, they shall assemble at the town of Princeton: in the second district, at Hartford: in the third district, at Bowlinggreen: in the fourth district, at Columbia: in the fifth district, at Bardstown: in the sixth district, at Richmond: in the seventh district, at Lagrange: in the eighth district, at Lexington: in the ninth district, at Flemingsburg: in the tenth district, at Cynthiana, and at the Court Houses in each of said places.

Compare polls.

SEC. 4. *Be it further enacted*, That if, after comparing the polls in any district, it shall so happen that two or more candidates stand equal in number, the Sheriffs, so assembled, shall vote for one of them; and if, after such vote, an equal number shall still remain, the Sheriffs shall determine, by lot, which of the candidates shall be returned elected. After having ascertained, as herein directed, the person elected, the Sheriffs shall make out a certificate of the election of the person in their district, which shall be signed by all the Sheriffs of the district, and which shall be lodged with the Sheriff of the county wherein the polls are compared, and shall be by him, together with a copy of the polls, transmitted to the Secretary of State.

Sheriffs de-  
cide in case of  
a tie.

SEC. 5. *Be it further enacted*, That each of the Sheriffs, so assembled to compare the polls, and make out the necessary papers for the Secretary of State, shall be entitled to one dollar and fifty cents for every twenty-five miles in going to, and returning from, the place aforesaid, and two dollars per day for every day while there necessarily engaged in said duties, to be paid as heretofore provided in such cases.

Pay to Sher-  
iffs.

SEC. 6. *Be it further enacted* That, upon the certificates of the Sheriffs as aforesaid, having been transmitted to the Secretary of State, a testimonial shall be made out, to be delivered to each person elected, as evidence of his election; which shall be in the manner following:

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*The Commonwealth of Kentucky, to all whom these Presents shall come:*

KNOW YE, That at an election held in the counties of ———  
 Testimonial. ——— composing the ——— Congressional District in  
 this Commonwealth, on the ——— days of August, in  
 the year of our Lord, one thousand eight hundred and ———,  
 A. B., a person having the qualifications required by the Con-  
 stitution of the United States, was chosen a Representative in  
 the Congress of the United States, for two years, from the  
 third day of March, one thousand eight hundred and ———.

*In Testimony Whereof*, His Excellency, C. D.,  
 Governor of said Commonwealth, has caused  
 [L. s.] these letters to be made patent, and the great  
 seal of said Commonwealth to be affixed, at  
 Frankfort, on the ——— day of ———.

C. D.

By the Governor,  
 E. F., *Secretary of State.*

Approved, March 9, 1843.

## CHAPTER 287.

AN ACT to amend the law of February 23d, 1842, touching the Somerset Independent Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months be allowed to said Directors, or Commissioners, under the provisions of said act; and further, that Cyrenious Wait and John Griffin, are hereby appointed Commissioners, to act under the provisions of said act of February 23d, 1842, complying with the provisions of said recited act of February 23d, 1842.

Approved, March 10, 1843.

## CHAPTER 291.

AN ACT to amend the law concerning Executions.

Sheriff ap-  
 portion money  
 on executions.

Execution in  
 hands Coroner  
 entitled to rat-  
 able proportion  
 Clerk's duty.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That on sales of property, hereafter to be made under executions, the Sheriff, or other officer, shall apportion the purchase money ratably amongst the executions that have come to his hands against the same defendant or defendants, whose property is sold, issued on judgments rendered at the same term of the court; and where there shall be an execution in the hands of the Coroner, on such a judgment, it shall have its ratable proportion, as if it had been in the hands of the Sheriff. It shall be the duty of the Clerk, when he issues an execution, to endorse thereon at what term the judgment was rendered on which it issues.

SEC. 2. When a forthcoming bond shall be forfeited, the Sheriff shall return a schedule of the executions aforesaid in his hands at the time of the forfeiture, and executions may issue thereon, for the benefit of said executions, *pro rata*.

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Sheriff to return schedule of executions on bond forfeited.

SEC. 3. When a sale bond shall be taken in such cases, the Sheriff shall return a schedule of the executions aforesaid in his hands, at the time of the sale, and execution may issue for the benefit of said executions, *pro rata*.

Execution on sale bonds to be ratably divided.

Approved, March 10, 1843.

#### CHAPTER 292.

AN ACT to amend the law concerning the distribution of the public law books.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Secretary of State, when advertising for proposals to distribute the public books, to state, in addition, that proposals will be received for furnishing the boxes in which the books are to be packed, and that the contract for furnishing the boxes shall be given to the lowest bidder: *Provided*, He shall execute a bond, with good surety, in the form and penalty prescribed by the Secretary of State, for the faithful fulfilment of the contract.

Additional proposals to be advertised.

Proviso.

SEC. 2. That hereafter it shall and may be lawful for the Secretary of State to lay off this State into any number of districts, not exceeding eight, for the distribution of the public books.

Secretary to lay off State into districts.

Approved, March 10, 1843.

#### CHAPTER 295.

AN ACT concerning certain law books.

WHEREAS, several volumes of the books furnished, by law, to the late Judge of the 15th judicial district of this Commonwealth, have not been procured by the present Judge from his predecessor—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Secretary of State be, and he is hereby, directed to procure and deliver to the present Judge of the district aforesaid, the volumes that are wanting and not to be found, upon a certificate from the Judge, specifying the books he has received, and such as are not found, but if said Judge has any knowledge that any of the said books are in the possession of any person in this State, he shall obtain such volumes from such person, and not from the State.

Approved, March 10, 1843.

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## CHAPTER 296.

AN ACT in relation to a grant of water power to the Government of the United States by the State of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby, authorized and directed to tender to the Government of the United States, the free use of the water power at any of the locks or sites for locks and dams, on the Kentucky, Licking, or Green rivers, for the purpose of erecting an armory, or a manufactory of water rotted hemp, or for any other purpose for which the Government of the United States may wish to use the same.

SEC. 2. *Be it further enacted*, That upon the Government of the United States making known their desire to use the said water power, for any or either of the purposes above named, or for any other purpose, the Governor is hereby authorized and empowered to convey the use of such water power, for and on behalf of this Commonwealth, in such manner as will secure the free use thereof to the said Government.

Approved, March 10, 1843.

## CHAPTER 297.

AN ACT concerning executions.

No one entitled to prison bounds.

Replevin bond may be executed, and execution on bond.

Person in custody may execute recognizance before clerk, and execution may issue on bond.

Proviso.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person taken on a writ of *capias pro fine*, or who shall stand committed, or be in custody, under sentence or judgment of conviction for a misdemeanor, hereafter committed, shall be entitled to the prison bounds, but such person may execute a replevin bond, with good surety, to the Commonwealth, payable in three months; and thereupon he shall be discharged from custody. On such bond, execution shall issue as on other replevin bonds, or the Commonwealth may have a *capias ad satisfaciendum*, endorsed, that "no seruty of any kind shall be taken."

SEC. 2. When any such person shall be in custody of the Jailer, on an order of commitment until the fine be paid, or shall have been committed by the Sheriff on a *capias pro fine*, he may be brought before the Clerk of the court, to execute a recognizance, in the nature of a replevin bond, with good surety, as is done in civil cases, before execution issues on judgments, and such recognizance shall stand as a replevin bond, on which execution shall issue as on such bond; and on application to execute such recognizance, it shall be the duty of the Jailer to take such person before the Clerk, in his office: *Provided*, That this act shall not be construed to allow any one to give any replevin bond or recognizance, so as to be re-

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leased from any imprisonment which is the judgment, or a part of the judgment, of the court for a misdemeanor, or other offence, except so far as it relates to the delivery of property on the day of sale, in all cases where property is to be sold under execution or otherwise; where the Clerk has entered that no security of any kind is to be taken, it is not to exclude the defendant's right to give a forthcoming bond for the delivery of property, or other thing, on the day of sale; but should a forthcoming bond be once forfeited, it shall exclude a further security for a delivery of property in payment of the same debt on any other day of sale; and the defendant failing to deliver property, shall be taxed with half commission, to be taxed in the bill of costs of suit.

Approved, March 10, 1843.

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#### CHAPTER 301.

AN ACT for the benefit of Jailers of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, when any person or persons shall be imprisoned in any Jail of this Commonwealth, by order or mitimus from Police Judge of any incorporated town, for a violation of any town ordinance, and such person or persons shall be unable to pay the fees of such Jailer, by reason of his or their insolvency or otherwise, such Jailer shall be entitled to receive his fees, in such case, from the Treasurer of such town, where such Jail is situated, by the Police Judge certifying said claims to such Treasurer to be just.

Approved, March 10, 1843.

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#### CHAPTER 303.

AN ACT supplemental to an act regulating the time of holding Justices' Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the provisions of the act, entitled, an act regulating the time of holding Justices' Courts, shall have relation and be applicable to all Police Judges of towns or cities, or Mayors of towns and cities, who have limited jurisdiction in civil actions in this Commonwealth, and they shall be bound by the provisions of said act within their several towns and cities, so far as the same is applicable.

Approved, March 10, 1843.

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## CHAPTER 304.

AN ACT concerning the collection of the revenue.

When no  
Commissioner,  
Sheriff to col-  
lect revenue.

Sheriff to re-  
port all chang-  
es, &c. to court.

Commission-  
ers may be ap-  
pointed at the  
April term.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, in case any County Court shall fail to appoint Commissioners of tax, or for any cause, should the Commissioners of tax, when appointed, fail to act, it shall be the duty of the Sheriff or Collector of such county, to collect the revenue upon the last list of taxable property taken in and returned to court; and said Sheriff or Collector shall report to the County Court, any changes or transfers of property that may have taken place since the time of last listing the taxable property for said county.

SEC. 2. *Be it further enacted,* That if any County Court, for any county in this Commonwealth, should have failed to appoint Commissioners of tax, for their respective counties, said County Court shall have the power to appoint a Commissioner of tax, at their March or April Term.

Approved, March 10, 1843.

## CHAPTER 305.

AN ACT to fix the tolls on the Green and Barren River Navigation, and provide for its future management.

Tolls on steam  
boats.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the Green and Barren River Navigation, for the passage of any and every boat, raft or other craft, the following tolls shall be charged and paid for the passage at each lock: On all steam boats, two cents per ton, adopting the registered tonnage of the boat, certified by a custom house officer, as the data of calculation; on each ton of freight on board (exclusive of fuel and stores designed for its own use) ascending the river, fifteen cents, and descending ten cents—excepting salt, coal and lumber; which either ascending or descending, shall be paid on salt, ten cents per ton; on lumber, per thousand feet, board measure, five cents: on coal, per ton of thirty bushels, three cents; for each cabin passenger, over twelve years of age, ten cents; over five and under twelve years, five cents; for servants accompanying the passengers, half toll of the cabin passengers; for every steerage or deck passenger, over twelve years of age, five cents; for every horse, mare, mule or jack, five cents; and every head of cattle, two and a half cents; for household furniture, carriages, and all other articles shipped by the lot, five per cent. on the amount charged by the boat for transportation. The following articles, when shipped by the package or piece, shall be estimated to weigh: salt 333 lbs. per barrel; whiskey, cider, porter, ale, beer and vinegar, 350 lbs. per barrel; brandy, wines, beef, pork and fish, 300 lbs. per barrel; flour, 212 lbs. per barrel; tobacco, 1,200 lbs. per hoghead. The measure of the ton shall be 2,000 lbs.



SEC. 2. *Be it further enacted*, For each keel or flat bottomed boat descending the river, from any point within the influence of the slack water of a pool, loaded wholly or partially, five cents per foot, lineal measure, of the boat; with the exception of those loaded principally with coal, lumber, staves or hoop poles, which shall pay three cents per foot, lineal measure, of the boat; for each keel, or flat bottomed boat, ascending the river, loaded wholly or partially with coal or lumber, five cents per foot, lineal measure, of the boat; for each keel or flat bottomed boat, ascending the river, whether towed by a steam boat or otherwise, loaded wholly or partially, excepting with coal, lumber, or salt, shall pay fifteen cents per ton for all freight on board, and when loaded with salt, ten cents per ton, the weight to be ascertained as provided in the first section of this act; for each empty keel or flat bottomed boat, ascending or descending, two cents per foot, lineal measure, of the boat; for each keel or flat bottomed boat, loaded wholly or partially, descending the river from a point above the influence of slack water of the pools, two cents per foot, lineal measure, of the boat: *Provided*, That no craft of any description shall be passed for less than one dollar, requiring a lock to be opened for that purpose.

SEC. 3. *Be it enacted*, For each raft of timber or boards, not exceeding sixteen feet wide, two cents; over sixteen and not exceeding twenty feet, three cents, and over twenty feet in width, four cents per foot, lineal measure, of the raft.

SEC. 4. *Be it further enacted*, That the Governor, by and with the advice and consent of the Senate, once in each year, shall appoint three fit and suitable persons, who shall reside as near together as may be, at some point on the Green and Barren River Navigation, who shall be styled a "Board of Commissioners for the Green and Barren River Navigation," a majority of whom may act; and in the event of the death, resignation or refusal to act of either of the Commissioners herein named, it shall be the duty of the Governor to appoint some suitable person to supply such vacancy; said Board shall have the supervision and control of the Green and Barren line of navigation, and of all the public property connected therewith—they shall have power to appoint a Superintendent of said line, and lock keepers, and to remove the same at pleasure; the Superintendent and lock keepers to be paid such wages or salary as the said Board may think proper, not exceeding the sum of two hundred and fifty dollars per annum, for any lock keeper, and not exceeding six hundred dollars per annum for the Superintendent; and it shall be the duty of the Commissioners to require the Superintendent and the several lock keepers, before they enter upon the discharge of their respective duties, to execute bonds, in adequate penalties, with good and sufficient sureties, payable to the Commonwealth of Kentucky, conditioned for the faithful discharge of their several duties required by law.

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Tolls on keel  
or flat boats.

On rafts.

Board of com-  
missioners to  
be appointed.Superinten-  
dent and lock  
keepers.

Their pay.

To give bond.

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Duty of Superintendent.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Superintendent to pass up and down this line of navigation once in each month, and oftener if the Commissioners shall so direct, to settle with and collect from the respective lock keepers and toll gatherers, and with the lessees of water power, as the rents fall due; and the amount so collected, to deposit forthwith, in the branch of the Bank of Kentucky at Bowlinggreen, to the credit of the Board of Commissioners aforesaid. It shall, also, be the duty of the Superintendent, as he passes up and down the line, to examine the condition thereof, and of the public works, together with all the public property, and to make report thereupon to the Board, whose duty it shall be to cause said Superintendent to remove all obstacles to the navigation, and to make such repairs as the said Board may deem advisable, to be paid for by them out of the funds derived from the tolls and water rents aforesaid.

Accounts to be settled, and money paid into the treasury.

SEC. 6. *Be it enacted*, That it shall be the duty of the Board of Commissioners to settle the accounts annually, up to the first day of December, and the residue of the deposit in the Bank aforesaid on that day, if any, over the amount paid or required to be paid for repairs and expenses as aforesaid, shall be paid by the Board into the Treasury of the State, to the credit of the Sinking Fund.

Annual report of board.

SEC. 7. *Be it enacted*, That it shall be the duty of said Board to report to the Board of Internal Improvement for the State, annually, in December, an account of their proceedings, the amount of tolls and water rents collected, the amount expended up to the first day of that month, and for what purposes, together with such views and suggestions as they may think proper, for the information of the Board of Internal Improvement and of the Legislature.

Superintendent to take possession of State's property.

SEC. 8. *Be it enacted*, That it shall be the duty of the Superintendent, under the authority of the Board of Commissioners, to take possession of all the property belonging to the State upon the line aforesaid, including lands and tenements at the respective locks, and to make such rules and regulations, or disposition thereof, as said Commissioners may direct, for the protection of said property against lawless intrusion or depredation: and said Board of Commissioners shall have power to make such regulations and requirements of the commanders and officers of boats and other crafts, as they may deem proper, to insure the payment of tolls according to the true intent and meaning of this act.

Oath of Superintendent.

SEC. 9. *Be it enacted*, That it shall be the duty of said Superintendent, before entering upon the duties of his office, to make oath before a Justice of the Peace for this Commonwealth, that in the discharge of those duties, he will, in all things, consult the best interest of the State, and that he will faithfully report to said Board of Commissioners all his proceedings in the premises.

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SEC. 10. *Be it enacted*, That nothing in this act contained shall be construed to prohibit the present Green and Barren River Commissioners from closing and settling the existing contracts on said line of public works as heretofore.

Present commissioners to settle contracts.

SEC. 11. *Be it further enacted*, That said Board of Commissioners shall have power to alter or change the rate of tolls, in the three first sections of this act, provided they shall believe, by such alteration or change, the interest of the Commonwealth will be promoted.

Board of commissioners may alter tolls.

SEC. 12. That the Board of Commissioners are hereby authorized and empowered to lease, for a term of years, not exceeding thirty, the water power at the several locks and dams on said line of navigation, on such terms, conditions, and requirements, as they may deem beneficial to the interests of the Commonwealth.

May lease water power.

Approved, March 10, 1843.

CHAPTER 306.

AN ACT authorizing the Second Auditor to have the land sold that may be forfeited to the Commonwealth of Kentucky, for the non-payment of taxes, interest and costs thereon.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Second Auditor to furnish, annually, the Agent or Attorney employed by him in the several counties, under the act of January 17, 1840, with a list of all lands in such county, as shall have been struck off to the State for the non-payment of the taxes due thereon, and which have not been redeemed; and the said Auditor may authorize such Agent or Attorney to sell the same to the former owner, or his or her heirs or assigns, for the taxes due thereon, with the interest and charges allowed by the revenue laws, and ten per cent. on the whole amount, to the Agent or Attorney for his compensation; and which taxes, with the interest and charges, the said Agent or Attorney shall pay into the public treasury, at such time, and in such manner, as said Auditor shall prescribe.

Auditor to furnish agents with lists of lands, which the agent may sell to owner.

Agent's pay.

SEC. 2. That when no former owners, or their heirs or assigns, shall be found willing to redeem, and there shall be any one in possession of such land, or any part thereof, under an adverse title, such person in adverse possession, shall have the right to quiet his title by paying the amount of taxes, interest and charges, with ten per cent. as aforesaid.

If owners will not buy, to sell to person in possession.

SEC. 3. That when there shall be no former owner, or his heirs or assigns, willing to redeem, and no one in the adverse possession of the land willing to purchase, the said Auditor may direct the Agent or Attorney to sell the land, in one or more tracts, to suit purchasers, for as much as it will bring at public sale: *Provided*, That it shall not be sold for less money

If neither will buy, to be sold to others.

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than the amount due to the Commonwealth, with interest and charges as aforesaid.

A joint owner, &c. may purchase his proportion.

SEC. 4. That when there shall be more than one former owner, or more than one heir, devisee, or assignee of the former owner or owners, or more than one person holding part of said land in adverse possession, each of such persons shall have a right to redeem, or to purchase, as the case may be, their parcel or undivided part of such land, at such rate as said Agent or Attorney, and such person, can agree on; provided it shall not be for a less sum than the amount due the Commonwealth, with interest and charges as aforesaid. The said Auditor shall prescribe the necessary forms of relinquishment of the title of the Commonwealth, under the foregoing sections, and authorize the Agent or Attorney to execute the relinquishment according to the terms of sale, or redemption, as the case may be.

Relinquishment of title.

Sales to be advertised.

SEC. 5. That before any sales shall be made under the provisions of said act, the Agents shall advertise the same in the paper of the Public Printer, under the same rules and regulations as are now required by law, when lands are advertised for forfeiture, except that the advertisement shall be made twice a month for six months; and said advertisement shall also be put up, at the court house door, where the land lies, letting two courts intervene before the day of sale.

Governor may remit forfeitures.

SEC. 6. And to provide against any injustice that may be done to the owners or occupants, of any such lands, forfeited as aforesaid, they shall have the privilege of submitting the whole facts to the Governor for the time being, who shall have the power to remit any part or the whole amount of tax, interest and cost, upon any lands forfeited, under any of the laws of this Commonwealth, and any such remission shall be regarded as a full acquittance of all such taxes, &c., as may be due.

Sales to be made in the county where the land lies, at the court house door.

SEC. 7. That all sales made by the Auditor, or any Agent under his authority, shall be made in the several counties where the lands at present lie, at the court house door, on the first day of the Circuit Court, between the hours of twelve and four o'clock.

Forfeiture of lands of residents before 1835, relinquished.

SEC. 8. That all lands forfeited for the taxes, as the property of residents of this Commonwealth, previous to the 22d day of February, 1835, are hereby relinquished, and the Second Auditor is directed to cancel, on the books of his office, all such forfeitures.

The Auditor and agents not to be purchasers.

SEC. 9. That said Auditor, Agents or Attorneys, shall not be interested, either directly or indirectly, in the purchase of any lands sold under the provisions of this act; and any title acquired contrary to the provisions of this section, shall be null and void, to all intents and purposes.

This act to be published, &c.

SEC. 10. And for the purpose of giving full and ample notice to all holders of land that may now stand as forfeited to the Commonwealth of Kentucky, for the non-payment of taxes,

&c., due as aforesaid, the Second Auditor shall cause this law to be advertised six months, in the following newspapers: The Commonwealth and Kentucky Yeoman; and any persons coming forward to redeem any lands forfeited as aforesaid, the Second Auditor shall permit them to redeem their lands, so forfeited, by paying into the treasury, the tax and cost, with an interest of twelve per cent. per annum.

SEC. 11. That where any actual settler has purchased and paid for any tract or parcel of land, which has been heretofore entered and forfeited as non-residents' land, it shall not be lawful for the Auditor or Agent, to sell any portion of said land, purchased as above stated, and in the possession of an actual settler: *Provided*, Said settler, in case the taxes have not been paid from said date, he shall be required to pay the same, or so much as may be due, before he shall receive his acquittance for the same: *Provided*, That no sale shall effect the rights of *femes covert*, and infant heirs.

Where an actual settler has purchased land it is not to be sold.

Proviso.

Approved, March 10, 1843.

#### CHAPTER 309.

AN ACT further to amend the law authorizing the sale of infants' real estate and slaves.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where a sale of land or slaves shall be decreed by virtue of an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants in certain cases, approved, February 3, 1813, or by virtue of the act, approved 20th February, 1836, to amend said act, it shall be lawful for the said courts to order that the purchase money, coming to an infant, in such instances, shall be laid out in land or slaves, as it shall be deemed for the interest of such infant; and for this purpose the court shall make all necessary and proper orders and decrees.

Approved, March 10, 1843.

#### CHAPTER 310.

AN ACT concerning writings in foreign languages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all deeds and other instruments of writing which may be recorded by the laws of this State, shall be in the English language, else the record thereof shall not be deemed notice to creditors or purchasers, as the record of other deeds is deemed to be.

Approved, March 10, 1843.

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## CHAPTER 314.

AN ACT to regulate the terms of the Hopkins County Court and certain other County Courts, and for other purposes.

Hopkins.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Justices of Hopkins County Court be, and they are hereby, authorized to hold a monthly court in said county, on the second Monday in each month in the year, except in the months of March and September.

Chancery term  
in 14th district.

SEC. 2. *Be it further enacted*, That the Judge of the 14th judicial district shall hold a chancery term, during the present year, in all those counties in his district, where the business pending may require it.

Justices may  
hold court.

SEC. 3. *Be it further enacted*, That the Justices of the counties composing the fourteenth judicial district, shall have power and authority to hold a court in the months in which a Circuit Court was to be holden, at their respective Summer terms; said court to be held on the same Monday in the month that their other County Courts are holden.

Approved, March 10, 1843.

## CHAPTER 316.

AN ACT to amend the law concerning Sheriffs and Constables.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when the surety or sureties of any Sheriff or Constable in this Commonwealth, may think himself or themselves liable to sustain any loss or damage in consequence of such suretyship, the County Courts, respectively, on the motion of any such surety or sureties, shall rule such Sheriff or Constable, to give a new bond, with good and sufficient surety, and the surety or sureties making such motion, and obtaining said rule, shall not be held liable for the future acts of such Sheriff or Constable: *Provided*, That such surety or sureties shall give ten days' notice, in writing, of such motion.

SEC. 2. That if any Sheriff or Constable shall fail to execute such bond, with good surety, being ruled thereto by the court, the court shall, forthwith, dismiss said Sheriff or Constable from office.

Approved, March 10, 1843.

## CHAPTER 319.

AN ACT to amend the jury laws.

Trustees to  
renew bond,  
and copy for-  
warded to the  
Auditor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the Trustees of the jury fund in this Commonwealth, shall renew their bonds every two years, at the first term of the Circuit Court, and it

shall be the duty of the Circuit Court Clerk to forward to the Second Auditor a copy of the same, immediately after its execution; and the Trustees and Clerks failing to comply with the requisitions of this act, shall be subject to a fine of five hundred dollars for each failure, recoverable by motion in the General Court, without notice, as in cases of collectors failing to pay over the public revenue.

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SEC. 2. That it shall be the duty of the Commonwealth's Attorney to examine the bond of the Trustees before they are presented to the court, and shall certify that the security is good and sufficient, and the court being satisfied as to the facts, shall admit the same to record.

Duty of Commonwealth's Attorney.

Approved, March 10, 1843.

CHAPTER 320.

AN ACT to amend the law concerning persons of unsound mind.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That where it shall be necessary, for the payment of debts or other liabilities, to sell any part of the estate of a person of unsound mind, who has been, or shall be, found to be so by regular inquest, it shall be lawful for the Committee of such person, the Attorney for the Commonwealth, or any person claiming such debt, or asserting such liability, to petition the proper court for that purpose; said court shall see that the proper parties are brought before the court in said petition, and shall have power to empanel a jury, where a jury would be proper at common law, and fully to hear and decide upon the merits of the demand, and upon the propriety of selling any part of such estate; and shall, when it shall appear to be equitable and necessary, decree such sale, and make all proper orders for passing the title to the property to be sold, and direct the application of the purchase money.

Committee or Attorney for Commonwealth may file petition, and jury may be empaneled.

SEC. 2. And where it shall seem to such court, that it will be for the interest of such person, or his or her family, that any property of such person should be sold and the value thereof be otherwise appropriated, the court shall have power, on the petition of the Committee of such person, or the Attorney of the Commonwealth, to make such order as shall be proper and necessary for the sale of such property, and the re-investment or appropriation thereof for the interest of such person, his or her family; or where it shall appear to be for the interest of any such person, or his or her family, that any money of such person should be invested in lands, the same may be ordered, and the money so invested on the like proceeding.

Duty of the court.

SEC. 3. It shall be the duty of the Attorney for the Commonwealth to attend to such petitions, and see that justice is done to such person, and his or her family; such petitions

Duty of Commonwealth Attorney.

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shall be heard as soon as may be, with no other delay than justice may require.

No inquest  
unless notice  
given.

SEC. 4. That hereafter no inquest shall be held on any person who is alleged to be a lunatic or person of unsound mind, unless a written notice is given to such person, or some white member of his or her family, over sixteen years of age, (if he or she have any family,) at least ten days before the application is made to the court for that purpose, unless such person shall be in court at the time of ordering said inquest.

Approved, March 10, 1843.

*Chapter 321. Sec. 1. Act*  
CHAPTER 321.

AN ACT to amend the execution laws.

Property ex-  
empted.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when any execution has issued, or may issue, upon any contract heretofore made, or any cause of action heretofore existing, and the same has been, or is about to be levied on the property of the defendant or defendants in said execution, it shall and may be lawful for said defendant or defendants, to claim an exemption in value and amount, of the value of the property now exempt by law from execution, or such of it as he shall select, and of which, at the time of the levy, he or she or they may be the owner; and upon such claim being asserted, it shall be the duty of the officer who shall have said execution in his hands, to cause two disinterested housekeepers of his county, not related to either of the parties, to affix the value, in cash, of the said property, owned by said debtor, and exempt from execution. The plaintiff in execution shall select one of said valuers, and the defendant the other, and if they disagree, the officer shall select a third, each of whom shall be sworn by said officer, that he will faithfully and impartially, to the best of his skill and judgment, affix a value on said property. And if the parties, or either of them, fail thus to select, the said officer shall select for him or them. And upon said valuation of property being made, and upon the said defendant surrendering up to said officer said exempted property, so valued, it shall be the privilege of said defendant or defendants, to select any portion of his property now subject to execution, to the extent of the value of the property previously valued, and no more, which latter property so selected by said defendant or defendants, shall be in like manner valued by said persons who have valued the other property, and said defendant shall be permitted to hold and retain as exempt from that or any other execution or warrant of distress whatever, the property so selected by him. All of which facts shall be returned by the officer on his execution; and it shall also be his duty to give to said defendant a list, to be certified by him, of the property so reserved and retained

Housekeepers  
to fix value.

Defendant to  
select property.

Facts to be  
returned.



by him. And if any officer shall thereafter let the whole or any part of said property so selected by said defendant, after said officer shall be notified of the same as selection and retention, he shall be deemed guilty of the execution of the same, and of having levied upon or sold property not subject to the execution.

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and to appoint a county treasurer.

Treasurer to give bond.

SEC. 2. *Be it further enacted*, That as to all contracts hereafter made, and as to all causes of action hereafter arising, in lieu of the specific property now exempt from execution, there shall be exempt from execution, or distress, property to be selected by each defendant in execution, if a married person, or a housekeeper, to the amount and value of two hundred and fifty dollars, and provisions and fuel sufficient for the family six months; or if a single person, one hundred dollars, which shall be ascertained and fixed, as provided for in the first section of this act, and as to such property so selected, there shall be the same retention, exemption, privileges and liabilities, as provided for in the said first section.

SEC. 3. That the defendant in execution, shall have the election to retain the amount in value exempt by this act, or to retain the special property heretofore exempted from execution by law.

Approved, March 10, 1843.

#### CHAPTER 322.

AN ACT to amend the laws establishing [and regulating] the Lunatic Asylum, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioners of the Lunatic Asylum shall be, and are hereby, prohibited from receiving into said institution, any idiot or lunatic that may be brought from any other State for that purpose, unless the Commissioners of said Asylum shall be satisfied that the charges for supporting such lunatic or idiot will be promptly paid when demanded.

SEC. 2. That it shall be the duty of the several Circuit Judges, at the time of holding any inquisition, in any case of idiocy or lunacy, to instruct the jury to ascertain the place of residence of any such person so presented for examination, and whether such person has been brought from another State or not, and the whole facts shall be returned in their verdict.

Approved, March 10, 1843.

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## CHAPTER 323.

AN ACT to amend an act, providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes, approved, 17th January, 1840.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when persons in this Commonwealth have bequeathed, or may bequeath, personal property, by will, and the legatee or legatees, or any one for them, fail to come forward or claim the same within five years, the amount of such property bequeathed, if not necessary for the payment of debts, shall be collected by the agent of the Commonwealth, from the executor or executors, administrator or administrators of any such estate, and paid into the public Treasury of this Commonwealth, under the same rules and regulations as are provided for in said act to which this is an amendment.

SEC. 2. This act shall not apply to remainders, or residuary, or other unvested interests, until the same shall vest, or the party be entitled to the enjoyment or possession thereof.

Approved, March 10, 1843.

## CHAPTER 324.

AN ACT to amend the law establishing Common Schools in this Commonwealth.

Commission-  
ers to lay off  
districts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the School Commissioners, for the several counties in this State, to proceed, without delay, to lay off the necessary number of school districts, in their respective counties, and so alter or modify the same, as the necessity of the case may require, and report the same to the Superintendent of Common Schools, or the Board of Education, as soon thereafter as the same may be completed, together with all districts which may, from time to time, be regularly organized under the existing laws.

Commission-  
ers to report to  
superintend't.

SEC. 2. That it shall be the duty of the respective School Commissioners, to make, or cause to be made, their several school reports, now required by law, to the Superintendent of Common Schools, or the Board of Education, on or before the first day of December, annually, who shall report the same, in a statistical form, to the Legislature; and to enable the School Commissioners and Superintendent to discharge this duty, the Trustees of the several school districts shall, by themselves or their Clerk, report the number of children, with their district, and the time a school has been taught within the same during the year, which report shall be made to the said School Commissioners on or before the 10th day of November in each year.

County Courts  
bodies politic,

SEC. 3. That the several County Courts in this State be, and they are hereby, constituted a body corporate, with power to appoint a county Treasurer, who shall be required, from time

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to time, to give bond and approved security, in such reasonable penalty as they may require, and to renew the same as often as they may think proper, who is hereby authorized to receive, or sue for, in the name of the County Court of the county, all sums of money or other property, which has heretofore, or shall hereafter be devised, or in any other manner be given by private individuals or corporations, for the benefit of the Common Schools, or any particular district or number of districts, in any county in this State, who shall also be required to loan the same on safe securities, as often as the same shall become due, and to apply the interest of the same according to the direction of the donor or testator.

and to appoint a county treasurer.

Treasurer to give bond.

SEC. 4. That hereafter, all sums of money which shall become due from the funds set apart by the State for Common Schools, shall be paid into the Treasury of this State, as other revenue, there to be kept and reserved for the benefit of Common Schools, which shall be drawn for by the Superintendent of Common Schools, under the direction of the Board of Education, as the same may be required for distribution to the School Commissioners in the several counties, for the benefit of such districts as may, from time to time, be regularly organized; but in case any surplus may accumulate in the Treasury, from year to year, the Board of Education may vest the same in State bonds, as heretofore provided.

School fund.

SEC. 5. That hereafter no tax shall be levied by the citizens entitled to vote in any district for Common Schools, unless two thirds of the voters living within such district shall vote for the same, upon due notice as the law requires.

Tax in school districts.

SEC. 6. That any Commissioner who is appointed to take in taxable property, who shall fail or neglect to take a true and correct list of the number of children within his district, in any county in this State, shall be subject to a fine not exceeding twenty dollars, to be deducted from the compensation to be allowed him for his services.

Fine on Commissioners of tax for failing to take in the number of children.

SEC. 7. That for the year 1843, and every year thereafter, the ages of the children, taken in the Commissioner's list, shall be between five and sixteen, and any distribution of the interest of the school fund, to the several districts, shall be in proportion to the number of children in the district, compared with the whole number of children in the county, and no district shall draw a greater amount annually than their just proportion of the interest arising from the school fund; but each county or district shall be entitled to the amount due them as they may be severally organized, and maintain a school or schools according to law.

Distribution of fund to districts.

SEC. 8. That so much of any law which requires the citizens of the several school districts to elect a Clerk and Collector, be, and the same is hereby repealed, and the Trustees in the several districts are hereby authorized and required to appoint their own Clerk, and change the same whenever they may deem it expedient, whose duty it shall be to keep a cor-

Clerk of school districts to be appointed.

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rect record of the proceedings of said Trustees, and make out the annual report to the School Commissioners, as now required by law.

Duty of Superintendent.

SEC. 9. That the Superintendent of Common Schools be, and he is hereby, authorized to visit the several counties in this State, or as many of them in each year, as he conveniently can, and correspond with individuals in such as he cannot visit, so as to enable him to appoint such School Commissioners in each county, as will faithfully attend to the duties required of them by law, and in case any one or more of said Commissioners shall fail or neglect to district their several counties, and report the same to the Superintendent, it shall be his duty to appoint others, and from time to time renew or change such appointments as to him may seem necessary.

Commissioners of Sinking Fund to pay to Superintendent's School Fund.

SEC. 10. That the Commissioners of the Sinking Fund be, and they are hereby, required to pay over to the Superintendent of Common Schools, the amount due the several districts, which have been already organized and reported by said Superintendent, for the years 1841 and 1842, or any other district or districts which may have been fully organized and actually maintained a school for three months during the year 1842, who shall hereafter report the same to the Superintendent, within six months from the passage of this act, who shall distribute the same to the several School Commissioners of said districts according to law.

Duty of Superintendent.

A part of the act of 1842 repealed.

SEC. 11. That so much of the fifth section of the act "to amend the several laws establishing Common Schools," approved, March 1, 1842, as limits the formation of school districts to three months, or authorizes the School Commissioners of any county, where three districts shall go into operation, to draw the whole amount due such county, shall be, and the same is hereby, repealed, and it is hereby declared to be the intention and true meaning of this act, that any one or more school districts in any county in this Commonwealth, who may, by voluntary subscription, or by taxation as above directed, raise money or other property sufficient to maintain a school for at least three months in any one year, and report the same to the Superintendent or Board of Education, shall be entitled to their just proportion of the interest due from the school fund, which shall be paid as above directed.

What districts entitled to the fund.

General fund reserved.

SEC. 12. That equal justice may be done to all the citizens in this Commonwealth, it is hereby declared that the amount due to any county for common schools, shall be, and the same is hereby, reserved in the general fund, until such county shall, in whole or in part, be districted and organized according to law, and shall not be applied to any other purpose except to increase the general fund.

Repealing clause.

SEC. 13. That all acts or parts of acts which contravenes the provisions of this act, be, and the same is hereby, repealed.

Salary of Superintendent.

SEC. 14. That the Superintendent of public schools shall hereafter be entitled to the sum of seven hundred and fifty

dollars for his services, annually, and that so much of the act passed in 1841, allowing him the sum of one thousand dollars, is hereby, repealed.

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Approved, March 10, 1843.

CHAPTER 326.

AN ACT supplemental to an act, entitled, an act to regulate the courts in the county of Johnson, and to abolish the summer terms of the Circuit Courts, and for other purposes: approved, March 9th, 1843.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the terms "summer term," used in said recited act, shall be construed to mean, the second or middle term of said Circuit Courts.

Approved, March 10, 1843.

CHAPTER 334.

AN ACT to amend the revenue laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a tax of one dollar shall be paid on each gold watch; of one dollar on each carriage or barouche, kept as pleasure carriages; of fifty cents on each buggy; and of one dollar on each piano; fifty cents on gold spectacles; and fifty cents on silver lever watches; to be taken in by the Commissioners of Tax, at the same time, and in the same manner that other taxable property is listed for taxation, to be collected and accounted for by the Sheriffs, at the same time, and in the same manner, that other taxes are collected and accounted for: *Provided,* That silversmiths and jewellers, that keep gold watches for sale as merchandize, shall not be required to enter them for taxation; that manufactories of carriages, and pianos, or persons keeping them for sale, and not for their own use, shall not be required to enter them for taxation.

Approved, March 10, 1843.

CHAPTER 348.

AN ACT to authorize the several County Courts of this State to appoint Inspectors of Beef, Pork and Lard.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several County Courts in this Commonwealth, shall have power, at any time after the passage of this act, to establish an inspection of beef, pork and lard, in their respective counties, and to appoint one Inspector to inspect the said articles, who shall have the right to appoint, with the leave of their respective County Courts, as

How inspectors may be appointed.

May have deputies.

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many deputies as their respective duties may require, and the Inspector shall, in all cases, be accountable and liable for the conduct of each and all of his deputies.

Shall take an  
oath and give  
bond.

SEC. 2. Before any such Inspector or any deputy shall enter upon the duties of his office, he shall take an oath or affirmation in the County Court of his county, that he will faithfully and impartially execute the duties required of him by law; and each principal Inspector shall moreover enter into bond, with good security, to be approved of by the court, in the penalty of one thousand dollars, payable to the Commonwealth of Kentucky, conditioned for the faithful and impartial performance of the duties required of him by law.

Maybe sued  
on bond.

SEC. 3. That any person who may be injured by the incapacity, neglect, fraud or misconduct of any such Inspector or his deputy, may institute a suit on a certified copy of such bond, for the use, and at the costs of the person so suing, and the person so suing shall have execution upon any judgment obtained in any such cases, in the name of the Commonwealth for his use, and such bond shall not be void by the first, or any subsequent judgment: *Provided*, That in all such cases the cause of action must have accrued within two years next preceding the institution of such suit.

Duty of In-  
spectors.

SEC. 4. It shall be the duty of the Inspectors appointed, and their deputies, within the respective counties, to inspect all beef, pork and lard, on application made to him for that purpose by the owner thereof, and when inspected, to stamp on the cask containing the same, with branding irons, to be provided by the Inspector, with the name of the State and county, and also the kind and quantity of the article inspected, which branding irons shall be made and lettered as the several courts may direct; and every Inspector shall keep a record of all articles inspected by him or his deputies, with the names of the persons for whom each article was inspected.

Manner and  
size of barrels,  
&c., shall be  
made.

SEC. 5. That all barrels of beef, or pork, to pass inspection, shall be made of sound, well seasoned white oak timber, clear of sap wood, twenty nine inches in length when finished, with a cut head of seventeen and a half inches in diameter, tightly bound, with strong hoops one third of the length thereof at each end, and when packed and headed up, the outward hoop on each end, shall be secured with four nails of suitable size.

Manner in  
which beef and  
pork shall be  
put up.

SEC. 6. Each barrel of beef or pork, put up for inspection, from this State, shall contain two hundred pounds of sound, clear, well slaughtered meat, and such only as is well fattened, which shall be denominated as follows, to-wit: mess beef, shall be cut as near as may be, into well formed pieces of ten pounds, so that twenty pieces shall make the weight, and shall be well assorted, excluding legs, leg rounds, necks and shoulder clots. Prime beef, shall be cut in like manner, and well assorted; but may include, not exceeding two leg rounds, leaving out the point of the neck, and all clotted pieces; fifty pounds of clean, fair dry salt, and four ounces of salt petre, shall be put into

Mess beef.

Prime beef.

each barrel of beef; and when the barrel is packed and ed, it shall be filled up with strong pickle. Each barrel of prime pork, shall consist of twenty five pieces, weighing eight pounds each, as near as may be, making two hundred pounds, which may include one head and a half, and six shanks, excluding the legs, ears and snouts, so as to be composed of the assorted meat of one hog and a half hog, or in lieu thereof, three shoulders one head and a half, exclusive of the legs and snouts and ears, and the remainder, in side pieces. Each barrel of mess pork, shall consist of twenty five pieces, of eight pounds each, as near as may be, making two hundred pounds of pork, taken from the middlings or sides, of hogs weighing upwards of two hundred pounds each. Each barrel of navy pork, shall consist of twenty five pieces, of eight pounds each, as near as may be, making two hundred pounds of pork, assorted, excluding all shanks and faces, and out of hogs weighing not less than one hundred and fifty pounds net, each. All pork shall be packed on the edge, with at least fifty pounds of clean, fair salt, and two ounces of salt petre in each barrel; and when packed and headed, each barrel shall be filled with strong pickle.

Mess pork.

Navy pork.

How packed.

SEC. 7. Each half barrel of beef or pork, shall be made of sound, well seasoned white oak timber, clear of sap, twenty four inches in length, with a cut head fourteen inches in diameter, bound with hoops one third the length of each half barrel, at each end, the outward hoops being secured with at least three nails of suitable size.

Half barrels, how made.

SEC. 8. Lard shall be packed in light, well seasoned kegs or firkins, on each of which shall be marked with the marking iron, the tare and net weight thereof, and the Inspector or his deputy, shall bore with a hollow instrument, diagonally through each keg or firkin, and ascertain that it be clear of mould, rancid or musty taste, and being so found, he shall brand the same.

How lard to be put up.

SEC. 9. When any Inspector, appointed under this act, shall fail or neglect to perform his duties, or shall be convicted of partiality, or of having acted contrary to the directions of this act, he shall forfeit, for every such offence, a sum not exceeding fifty dollars, to be recovered by warrant before a Justice of the Peace, by any person suing for the same, and all such warrants shall be in the name of the Commonwealth of Kentucky, for the use and benefit, and at the costs of the person suing for the same; and he shall, moreover, be liable to the party aggrieved, for damages, and the County Courts may remove any Inspector appointed under this act, at any time, and to fill any vacancy.

Penalty on Inspectors for neglect duty, or for partiality, &c., how recovered.

SEC. 10. If any person shall counterfeit the aforesaid brands or marks, or either of them, or shall impress such counterfeit brands or marks, on any barrel, firkin, half barrel or keg, containing articles subject to inspection under this act, or with the view of having such articles packed therein, the party so

Penalty for counterfeiting brands or m'ks.

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Certificate to  
be given by In-  
spectors.

Fees.

Not to affect  
inspections au-  
thorized by  
towns.

offending, shall be deemed guilty of felonious forgery, and upon conviction, punished as in other cases of forgery.

SEC. 11. The Inspectors appointed under this act, shall give the person at whose instance he made the inspection, a certificate, stating that the articles are of good quality and merchantable, or that he has condemned the same, and in the latter case, stating why condemned; and the Inspectors shall have the following fees for their services, to-wit: for inspecting and packing each barrel of beef or pork, twenty cents; and for each half barrel, twelve cents; and for each keg or firkin of lard, two cents; and if any Inspector shall charge or receive higher fees than the foregoing, or shall directly or indirectly, purchase in whole or in part, any article condemned, he shall pay fifty dollars for every such offence, in the manner pointed out by the 9th section of this act.

SEC. 12. That this act shall not in any manner affect or take away, the power to appoint Inspectors heretofore granted to any incorporated town or city, and all acts or parts of acts coming within the purview of this act, shall be, and the same are hereby, repealed.

Approved, March 10, 1843.

#### CHAPTER 351.

AN ACT regulating the time of holding Justices' Courts.

Number of  
courts to be  
held.

Warrant to  
be executed  
five days before  
judgment.

When exe-  
cution to be is-  
sued.

Changes of  
venue may be  
had—and how.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the several Justices of the Peace in this Commonwealth, shall hold a court for the trial of civil suits once in every three months, to commence and be holden in the months of March, June, September and December, at such place and at such times in said months as the said Justices may designate, and they shall be governed by the laws now in force in relation to Justices of the Peace, except so far as modified and changed by this act.

SEC. 2. That no judgment shall be rendered by any Justice of the Peace, unless the warrant shall have been executed at least five days before the commencement of the term at which it is tried, except by consent of parties.

SEC. 3. That execution shall not issue until ten days after the rendition of judgment, unless the party entitled to the same, or some one for him or her, shall make oath, that he or she verily believes the defendant or defendants will move his, her or their property beyond the jurisdiction of the Justice, or otherwise make way with the same.

SEC. 4. That if any Justice of the Peace shall be interested, directly or indirectly, in the event of any warrant returned before him for trial, or either of the parties shall make affidavit that he or she verily believes that an impartial trial cannot be had before said Justice, a change of venue shall be granted,



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and all the papers handed over to the nearest Justice of the Peace, to whom there is no good objection, who shall proceed to try the case without regard to the time prescribed for holding his term, and from his decision an appeal may be taken as in other cases.

SEC. 5. That if any Justice, from any cause, shall fail or be unable to attend and hold his court, the same shall stand adjourned, from day to day, until the fourth day at four o'clock, P. M., and any other Justice of the county may attend and hold the court; and if any Justice, without good cause, shall fail or refuse to hold any of the terms of his court, such Justice so failing to hold any of said terms, shall be liable to be fined, on presentment or indictment, any sum not exceeding one hundred dollars for each failure to hold his court.

Justice failing to attend, another may try causes.

Penalty for failing to attend.

SEC. 6. That it shall not be lawful to execute any writ, in any civil case before a Justice of the Peace, upon any person or persons in any other county than the county in which such person or persons may at the time reside, and be the county of his or her domicil, except in cases where any such person or persons may be removing out of the State, or absconding to avoid process, or may be non-resident of this Commonwealth, unless the suit is brought in that county in which the contract was made.

Warrant shall not be executed on defendant only in the c'ty in which he resides, except on certain conditions.

SEC. 7. The several Justices shall keep a docket, and shall docket every warrant in the order and time, in which the same may be issued, and in trying cases at the terms of his court, they shall be called for trial in the order in which they may stand on the docket; and when any Justice, from any cause, shall not be able, or shall refuse to hold his court, the Constable of that district shall notify some convenient Justice of such fact, and such Justice shall, as soon as he may have disposed of the cases before him in his court, shall proceed to and open the court of such Justice who may fail or refuse to hold court, and hear and determine all the cases set for trial at such court, and such Justice, so holding the court, shall be entitled to all the fees made at said court.

Warrants shall be docketed.

Justice failing to attend, Constable shall notify some other Justice, who shall receive the fees.

SEC. 8. So much of this act as restricts the trials before Justices of the Peace, to four terms a year, shall not apply to warrants issued by Justices in the Cities of Louisville, Maysville, Covington, Newport and Lexington, against persons who are abiding in said Cities, or are non-residents of the State; but shall apply to all persons who have a fixed residence elsewhere in the State.

Shall not apply to certain cities & towns.

SEC. 9. That the provisions of the 6th section of this act, shall apply to all courts, except the Circuit Courts, County Courts, General Court and Chancery Courts.

To what courts to apply.

SEC. 10. And where a sale shall be made by a Constable on an execution upon a judgment before a Justice in the said Cities, the Constable shall divide the proceeds ratably among the several executions which may be in his hands against the same defendant or defendants, on judgments rendered within

Amount made on executions in cities to be divided ratably among plain'tfs.

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Duty of Constables in taking bonds.

three months; and when a sale bond shall be taken, the Constable shall return a schedule of such executions that may be in his hands at the time; and where a forthcoming bond shall be forfeited, the Constable shall return a schedule of such executions which may be in his hands at the time of such forfeiture, and execution may issue for the benefit, ratably, of said plaintiffs in all such executions.

Proceeds of executions issued by Justices to be divided ratably between plain'ts.

SEC. 11. When any sale shall be made by a Constable, by virtue of an execution in his hands, the proceeds thereof shall be divided ratably among the executions issued on judgments rendered at the same term, which have come to his hands; and when a sale bond shall be taken, the Constable shall endorse thereon a schedule of the executions issued against the same defendant or defendants, on judgments at the same term, and which have come to his hands, and execution may be issued on said bond, for the benefit of the several plaintiffs in said executions; and where a forthcoming bond shall be forfeited, the Constable shall return a schedule of the executions issued on judgments rendered at the same term, which had come to his hands at the time of such forfeiture, and execution may issue thereon for the benefit of the plaintiffs therein.

Constables to return bonds, and proceeds divided in the same manner.

Executions may issue before ten days upon oath of plaintiff.

SEC. 12. When any plaintiff, or his or her agent, shall make oath that the defendant, as he or she does verily believe, will remove his or her property out of this State, or otherwise dispose of the same so that execution cannot be made after judgment, unless the same shall be obtained before the ordinary trial day, it shall be lawful for the Justice to hear the case as soon as may be, according to the circumstances.

Approved, March 10, 1843.

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CHAPTER 352.

AN ACT giving further time to the County Courts of this Commonwealth to procure sets of weights and measures

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That further time until the first day of January one thousand eight hundred and forty four, be given to the County Courts of this Commonwealth to procure a set of weights and measures, in compliance with an act of the General Assembly on that subject.

Approved, March 10, 1843.

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CHAPTER 353.

AN ACT supplemental to the act establishing the county of Owsley.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act establishing the county of Owsley, be so amended, as to authorize a majority of the

Commissioners therein designated, to locate the seat of justice of said county.

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SEC. 2. *Be it further enacted*, That John V. L. McKee, of Laurel county, and William Chenault, of Madison county, are hereby appointed Commissioners to assist in locating the county seat of Owsley county, and that three of said Commissioners shall concur.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Commissioners to meet at the house of John Moore, in the county of Owsley, on the third Monday in August next.

Approved, March 10, 1843.

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#### CHAPTER 354.

AN ACT concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace of Green county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when a Justice of the Peace shall have gone out of office, and another appointment has been made in his neighborhood, the papers and records of said Justice, shall be placed in the hands of the Justice appointed in the same neighborhood, where they have been placed in the hands of one who has removed out of the neighborhood; and if a Justice shall be appointed in the same neighborhood, the records and papers shall be returned to him.

SEC. 2. *Be it further enacted*, That no more Justices of the Peace shall be appointed in Green county until the number be reduced to fifteen.

Approved, March 10, 1843.

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#### CHAPTER 355.

AN ACT to amend an act granting a bounty on Silk Cocoons, approved, March 3, 1842.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the bounty to producers of Silk Cocoons, shall be fifty cents per bushel, for every bushel which may be produced, and that all reeled silk for manufacturing, and also all sewing silk, shall be entitled to a premium of fifty cents per pound, and that all fabrics made of silk, or of which silk is the principal material, shall be entitled to a bounty of not less than ten per cent.

Approved, March 10, 1843.

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#### CHAPTER 356.

AN ACT explanatory of the law in relation to Pedlars.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several acts now in force requiring

1843

Pedlers of goods, wares and merchandize, to obtain license for vending the same, shall not be construed to impose any penalty upon any resident citizen of this State, for disposing of the produce of his, her or their labor or skill, by public auction or otherwise, in any county in this Commonwealth.

Approved, March 10, 1843.

#### CHAPTER 359.

AN ACT to amend the revenue laws.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the Auditor, in taking judgments against defaulting Sheriffs or Clerks, shall take the same for the principal sum due, with an interest of six per centum per annum, from the time the same becomes due till paid, in lieu of the damages and interest heretofore directed by law.

Approved, March 10, 1843.

#### CHAPTER 360.

AN ACT supplemental to an act establishing the county of Larue, and regulating the number of Justices in Hardin county, and for other purposes.

Courts where  
held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County and Circuit Courts for the county of Larue, shall be held in some suitable house procured by the County Court of said county, in the town of Hodgenville, until a suitable court house is erected.

Justices.

SEC. 2. That the Justices of the Peace of said county, after being commissioned, shall, on the fourth Saturday in March, 1843, meet at the Baptist or Presbyterian meeting house in the town of Hodgenville, and after taking the necessary oaths of office, and qualifying their Sheriff, they shall proceed to appoint a Clerk, in whose permanent appointment a majority of all the Justices in commission shall concur, but if such majority cannot be had, it shall be the duty of said court to appoint one *pro tempore*, until a majority of said court shall concur in said appointment.

County Court.

SEC. 3. That the County Court for the county of Larue, may purchase and receive, by donations and conveyances, any lot or lots of ground in the town of Hodgenville, for the erection of the necessary public buildings thereon, or they may erect the same on the public square now laid out in the town of Hodgenville, and the said County Court, a majority of all the Justices concurring, shall proceed, as soon as practicable, to fix their county levy, and to raise, by taxation, a sum sufficient to defray the necessary county expenses.

Number Con-  
stables.

SEC. 4. That the county of Larue shall be allowed five Constables, to be appointed by the County Court, a majority of

all the Justices being present, one of whom to reside within one mile of Hodgenville; and said court shall, at the same time, lay off said county into districts as the law requires.

1843

SEC. 5. That the county of Larue shall have the use of the jail of Hardin county, until one can be erected in the county of Larue.

Use of Hardin Jail.

SEC. 6. That the County Court of Larue shall appoint Commissioners of Tax, for the year 1843, who shall be governed by the laws which may be in force on that subject.

Commissioners appointed.

SEC. 7. That the Surveyor of Hart county shall be, and he is hereby, appointed a Commissioner, with such assistants as he may deem necessary to employ, to run and mark the division line between the counties of Hardin and Larue, who shall be allowed two dollars per day for his services, whilst engaged, and one dollar per day shall be allowed to each of the persons he may engage to assist him, payable out of the county levy of said county of Larue.

Hart county Surveyor.

SEC. 8. That the qualified voters of said county of Larue, shall vote at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner and at the same places in said county, that they now do, and compare the polls at the same places as heretofore; and the Sheriff and Judges of elections are to be governed in that respect by the laws heretofore in force, or that may be in force at the time of such elections and comparing of polls.

Voters in Larue.

SEC. 9. That the County Court of Hardin be, and they are hereby, authorized, a majority concurring therein, to sell and convey, by deed of conveyance to the purchaser, the tract of land situate and lying on Middle creek, purchased by said county for the purpose of a poor house, but in the event the said land shall be sold, one third of the proceeds thereof shall be paid over to the Agent or Receiver of the county of Larue: *Provided however*, The Justices of the two counties may, if the County Court of Hardin prefer not to sell, to make an arrangement by which the said land and tenements can be held and used in common, for a poor house, between the two counties.

County Court to sell and convey.

SEC. 10. That the Sheriff of Hardin, shall be vested with full power and authority to levy and execute all executions of *fire facias*, which may issue from the Circuit Court of Hardin prior to the tenth day of April, 1843, against defendants residing in the county of Larue, and all acts done by said Sheriff pursuant to the execution laws, in making collections of such process, shall be deemed and held good and valid in law, and the Sheriff of Hardin subject to all the proceedings now authorized by law against Sheriffs for failing to discharge their duty.

Sheriff Hardin.

SEC. 11. That hereafter, the county of Hardin shall only be entitled to sixteen Justices of the Peace, and until the present number of twenty seven shall be reduced, by resignation,

Number of Justices.

1843

death or otherwise, to sixteen, no vacancy shall be filled: *Provided however*, That nothing in this clause contained, shall hinder the County Court of Hardin from recommending suitable persons to fill the office of the additional Justice of the Peace allowed to Hardin county at their present session, which additional Justice raised the number to twenty seven.

Constable's  
districts, how  
laid off.

Number of  
districts.

SEC. 12. That the Justices of the Hardin County Court shall, at their next May term, appoint two or more discreet persons to lay off the said county into not exceeding ten Constable's districts; the first district shall be Elizabethtown and one mile in every direction from the court house; one other district shall be composed of West Point and its vicinity, the boundary of which to be fixed upon by said Commissioners; in each of the foregoing districts, the court may, in their discretion, appoint two Constables, and the balance of the county to be divided into eight districts, each to be entitled to one Constable, and no more: said Commissioners to make their report at the July term of said court, at which time it shall be the duty of all the Justices in commission to attend, a majority of whom, may approve of the report of said Commissioners.

SEC. 13. That the said county shall be entitled to thirteen Constables, twelve to fill the districts as above named, and one for the county generally, to be located at the discretion of the County Court.

Constables to  
go out of office.

SEC. 14. That all the Constables now, and those appointed previous to the third Monday in October next, shall go out of office on that day, and the court shall proceed to elect Constables for said county, and fill the districts hereinbefore named, and be governed by the general laws relating to Constables in taking bonds, &c.

Proviso.

SEC. 15. That all Constables now in office, whose term shall extend beyond the next October term for said county, and who may not be re-appointed, shall be allowed one year to finish their business, with power to levy, as though they were in office: *Provided however*, That where the term of any Constable shall expire in less than twelve months from October next, that then this proviso shall not extend beyond the term for which they were appointed.

Approved, March 10, 1843.

#### CHAPTER 364.

AN ACT to extend and continue in force the charters of the Old Bank of Kentucky and the Bank of the Commonwealth of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act of incorporation of the Old Bank of Kentucky, with the limitations and restrictions prescribed by the several acts as an amendment thereto, shall continue in force for the period of three years from the date

hereof, and that the agent of said Bank shall have all the powers and rights in the collection of the debts, and the sale of the real estate, as prescribed under the act of the 29th day of February, 1836. 1843

*SEC. 2. Be it further enacted*, That an act, entitled, an act to establish the Bank of the Commonwealth of Kentucky, approved, November 29, 1820, shall be, and the same is hereby, extended and continued in force until the 10th day of January, 1845.

Approved, March 10, 1843.

#### CHAPTER 365.

AN ACT providing compensation to Sheriffs and others, for conveying persons of unsound mind to the Lunatic Asylum, and to provide for the examination of such persons at any time it may be necessary.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, Sheriffs and others, when ordered by the court to convey persons of unsound mind to the Lunatic Asylum, at Lexington, shall be allowed the following named fees, viz: For travelling to and from said Asylum, four cents per mile; all necessary turnpikeage and ferriages; horse hire for persons of unsound mind, fifty cents per day; dieting such person, fifty cents per day, and all necessary turnpikeage and ferriages for such person.

Fees.

*SEC. 2.* That when the court may consider guards necessary to assist in the conveyance of such persons, as aforesaid, they shall be allowed, for travelling to and from said Asylum, four cents per mile, and all necessary turnpikeage and ferriages.

Allowance to guards.

*SEC. 3.* That said fees shall be paid by the Curator of such unsound person, when there is property sufficient for that purpose, and when there is no property, said fees shall be paid by the Commissioners of the Lunatic Asylum.

*SEC. 4.* That said allowances shall be certified by the Clerk of the Circuit Court, under the direction of the Circuit Judge.

*SEC. 5.* That it shall, and may be lawful, for the Judge of any Circuit Court to order a writ to issue, and a jury to be summoned at any time it may be necessary, for the purpose of examining into the state of mind of any unsound person, and all such proceedings shall be as good and valid as if the same was done at a regular court.

*SEC. 6.* That where it shall appear to the satisfaction of any court, where any person or persons may be found a lunatic, that it may be necessary for the comfort of said lunatic or lunatics, that he, she or they should be conveyed in whole or in part by water, or stage, or other vehicle, said court shall have full power to allow the usual charges made on such route, in lieu of the allowance above provided for by this act.

Approved, March 10, 1843.

1843

## CHAPTER 366.

AN ACT to regulate the sale of slaves taken under execution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, it shall not be required of the Sheriff or other officer authorized to make sales on execution, to take slaves to the court house for the purpose of selling the same, unless requested so to do, in writing, by the defendant or defendants in execution, but the same may be sold at defendant's place of residence, or some convenient place in the neighborhood, at the pleasure of the officer holding the execution.

Approved, March 10, 1843.

## CHAPTER 367.

AN ACT to reduce the salaries of certain officers of this Commonwealth.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the thirty first day of March, 1843, the various officers of this Commonwealth, shall be paid out of the public Treasury, the following salaries, viz: the Auditor of Public Accounts, twelve hundred and fifty dollars; to the Second Auditor of Public Accounts, fifteen hundred dollars; to the Treasurer, twelve hundred and fifty dollars; to the same for keeping the State house, sixty six dollars; to the Register of the Land Office, twelve hundred and fifty dollars; to the principal Clerk of said office, six hundred dollars; to the assistant Clerk of the same office, four hundred dollars; to the Librarian, two hundred and fifty dollars; to the Judges of the Court of Appeals, fifteen hundred dollars each; to the Attorney General, three hundred dollars; to the Adjutant General, one hundred and fifty dollars; to the Quarter Master General, one hundred dollars; to the Judges of the Circuit Courts, twelve hundred dollars each, except the Judge of the fifth judicial district, who shall receive fifteen hundred dollars, and the Judge of the twelfth judicial district, who shall receive thirteen hundred dollars; to the Chancellor of the Louisville Chancery Court, two thousand dollars; to the Secretary of State, seven hundred and fifty dollars; to the Clerk in the Secretary's office, six hundred and sixty six dollars; to the Clerks in the Second Auditor's office, one thousand dollars.

**SEC. 2.** *Be it further enacted*, That the Register of the Land Office shall charge and receive the following fees for services he may render: for every copy of a patent, fifty cents; for each copy of a survey, fifty cents; for each copy of an entry, twenty five cents; for each copy of a land warrant, twenty five cents; for each copy of an assignment, twelve and one half cents; for registering a survey and issuing a patent on

1st Auditor.  
2d Auditor.  
Treasurer.  
Keeper State  
house.  
Register.  
His principal  
clerk.  
His ass't c'lk.  
Librarian.  
Judges Court  
Appeals.  
Attorney Gen-  
eral.  
Adj't. Gen-  
eral.  
Qr. M. Gen'l.  
Circuit Judges.  
Exceptions as  
to 5th and 12th  
districts.  
Chancellor of  
Louisville.  
Secretary.  
Clerk in his  
office.  
Clerks 2d Au-  
ditor's office.

Fees to be re-  
ceived by Re-  
gister, and paid  
in Treasury.



the same, one dollar; for records in this Commonwealth and patent on same, twenty five with the seal of their office and collected by the Register and paid the sum of one hundred quarterly.

1843

SEC. 3. That the several officers named any person or persons, of this act, shall be paid quarterly.

Amount of tax to be paid.

SEC. 4. *Be it further enacted*, That the pay of this Commonwealth of the General Assembly, after the close of the year, or perils of shall be, after the first sixty days of each session, insurance on and one-third per cent. less than the pay now allowed for property, Approved, March 11, 1843.

CHAPTER 372.

AN ACT to amend the penal laws of this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second section of the act entitled, "an act to amend the law concerning slaves, and for other purposes," approved, January 28th, 1830, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That if any person shall be guilty of enticing any slave to abscond from the service of his or her owner or possessor, or shall conceal any such runaway or absconding slave, knowing it to be such, within this State, shall be liable to an indictment of a grand jury: and on conviction, shall be confined in the jail and Penitentiary house of this Commonwealth, for any period not less than one year nor more than three years, at the discretion of the jury before whom the case may be tried.

Approved, March 11, 1843.

CHAPTER 373.

AN ACT to add to the resources of the Sinking Fund.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no money broker, nor exchange dealer, shall, after the first day of April, A. D. 1843, buy and sell bank notes, money, bills of exchange, drafts, checks, treasury notes, charge premiums for acceptances, or endorsements upon bills or negotiable paper, or otherwise carry on the business of a money broker, or exchange dealer, without a license first had and obtained for that purpose.

Brokers to obtain license.

SEC. 2. That the tax on said license shall be paid annually in advance, in proportion to the amount of business expected to be done, or capital employed, whichever is of greatest amount, to be ascertained by the oath of the party, and at the following rates: When the amount of capital employed, or business expected to be done, is five thousand dollars, or under,

Amount of tax on brokers.

1843

AN ACT to regulate the

CHAPTER

KENTUCKY.

*Be it enacted by the General Assembly of Kentucky, That from and after the first day of January, 1843, no person shall not be required to make sales on any of the members of the present session, thirty three days after the convening of the officers of the same, by law.*

1843.

Members of  
General As-  
sembly.

Payable quar-  
terly.

Each plat and certificate  
shall be paid into the Public Treasury,  
and each plat and certificate  
shall be paid into the Public Treasury,  
and each plat and certificate  
shall be paid into the Public Treasury,

1843

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to ob-  
tain a license.

exchange broker and money dealer, without having first obtained a license therefor, he, she or they shall, in addition to the tax hereby imposed, forfeit and pay to the Commonwealth of Kentucky the sum of one thousand dollars, to be recovered by action of debt, in the name of the Commonwealth, or by motion in the Circuit Court, ten days previous notice of such motion being given, by the Attorney of the county, or by presentment or indictment of a grand jury: *Provided always*, That the occasional dealing in money and exchange, except the same is done as a business, shall not be considered and held a violation of this act.

Judges to give  
it in charge,  
and Attorneys  
to prosecute.

SEC. 5. It shall be the duty of the several Circuit Judges in this Commonwealth, to give this act specially in charge to the grand jury, and of the several Attorneys for the Commonwealth, to prosecute for all violations of the same, and he shall be entitled to twenty per cent. of all moneys he may collect, and pay the remainder over to the Clerk of the County Court, to be by him disposed of in the manner hereinafter directed.

Foreign in-  
surance com-  
panies to ob-  
tain a license.

SEC. 6. *Be it further enacted*, That no person or persons within this Commonwealth, shall act as Agent or Agents for any individuals, or association of individuals, not incorporated and authorized by the laws of this Commonwealth, to effect insurances against losses by sea, or on rivers, in the nature of marine insurances; or insurances on lives; or granting annuities; or against any other loss or peril, whether by rain, flood, ice, fire, or other casualty, by land or water, upon all or any species of property, although such individuals or associations may be incorporated for that purpose by any other State, without a license first had and obtained for that purpose, which the

Apr 19  
Dec 14  
Pag 24

1843

Clerks of the several County Courts in this Commonwealth are hereby authorized to issue, with the seal of their office annexed, upon payment to them of the sum of one hundred dollars.

**SEC. 7.** *Be it further enacted,* That any person or persons, acting as agent or agents, for any individuals, or association of individuals, not authorized by the laws of this Commonwealth, to effect insurances against losses, risks, or perils of whatsoever nature, either by land or water; insurances on lives; granting annuities, upon all and every kind of property, although such individuals may be incorporated for that purpose by any other State, shall pay to the agent of the Auditor of Public Accounts, semi-annually, the sum of two dollars and fifty cents, upon every sum of one hundred dollars, upon the amount of all premiums received by such agent or agents, or any other person or persons for them, or which shall have been agreed to be paid for any insurances effected, or agreed to be effected; or procured by him or them, as such agent or agents, against loss or injury sustained by sea or inland navigation, or against loss or injury sustained by fire; or insurance on lives; or granting annuities; or against any other loss or peril, of whatsoever nature, whether by land or water; and the said agent or agents, shall, on the first Mondays in May and November, in every year, furnish to the agent of the Second Auditor of Public Accounts, a true and correct list of all such premiums, verified by oath or affirmation, before a Justice of the Peace, and a complete, full and correct list of the amount of all such insurances, whether on marine, fire, or other risks before mentioned, verified as aforesaid, and pay the said sum of two dollars and fifty cents, in every hundred dollars, and any agent or agents, who shall offend against the provisions of this act, shall forfeit and pay to the Commonwealth the sum of one thousand dollars, to be recovered and applied as directed in the fourth and fifth sections of this act, in case of money brokers and exchange dealers: *Provided always,* That notwithstanding such forfeiture, and the payment thereof, such agent or agents shall remain personally responsible for payment of said premiums to the agent of the Second Auditor of Public Accounts, who may sue for and recover the same to the use of the Commonwealth; and the principals of such agents, their property, goods and chattels, shall be liable to the payment of all such judgments, fines and decrees, and may be proceeded against, by action, bill, attachment, distress, or otherwise, by the said agent of the Second Auditor of Public Accounts, to the use of the Commonwealth.

Amount of  
tax to be paid.

To furnish 2d  
Auditor with  
amount of pre-  
miums, and to  
qualify to the  
same.

Penalty for  
failing

Agents to be  
responsible to  
2d Auditor.

**SEC. 8.** That hereafter, when any person having title to any real estate of inheritance, or being possessed of estate mixed or personal, shall die intestate as to such estate, leaving no children, nor their descendants, nor heirs lineal in the ascending line, and the same, by the laws of this Commonwealth,

Collateral in-  
heritances to  
be taxed, and  
how.

See p. 44.  
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would descend, pass to, and be distributed to his heirs at law, and next of kin, being collaterals only, that then, before title to such real estate shall vest in such heirs collateral, or distribution be made to such next of kin, there shall be paid to the agent of the Auditor of Public Accounts, by such heirs collateral, or next of kin, or by some one for them, if such collateral heir or next of kin shall stand related to the intestate in the second degree, as when such estate shall descend and pass to, or be distributed to brothers and sisters, five per centum *ad valorem* upon the whole amount of such estate, to be ascertained in the manner hereinafter directed; and if such heirs collateral, or next of kin, shall stand related to such intestate in the third degree, as where such estate shall descend, pass to, or be distributed to brothers' and sisters' children, or brothers and sisters of the father and mother, the sum of seven and one half per centum upon the whole amount of such estate; and if such heirs collateral, or next of kin, shall stand related to such intestate in any degree more remote than the third, the sum of ten per centum upon the whole amount of such estate; and the degrees of consanguinity shall be ascertained by the rules and tables of consanguinity adopted by the English law of descents. And it shall be the duty of the agents of the Auditor of Public Accounts, to appoint two discreet housekeepers of the county to ascertain the amount and value of such real estate, who shall in no wise be related to the intestate, or such heirs collateral, or next of kin, who, after being duly sworn by a Justice of the Peace of the county wherein such estate, or the greater part thereof, may lie, shall proceed to appraise the same, and with the certificate of their appointment and qualification, return such appraisement to the Clerk of the County Court of such county; and if such estate be mixed or personal, the quantity and value thereof shall be ascertained in the manner estates of deceased persons are now appraised by the appraisers appointed by the County Courts.

Sec. 9. That the same taxes imposed upon estates descending and being distributed to collateral heirs and next of kin, be imposed upon all devises and bequests to such heirs and kindred, and to strangers, the same tax imposed upon descents to collaterals of a degree more remote than the third, to be ascertained in the same manner, and subject to the like regulations.

Sec. 10. *Be it further enacted*, That the taxes for all the licenses hereby imposed, and all fines and forfeitures accruing to the Commonwealth under this act, shall be paid into the Treasury, and carried to the credit of the Sinking Fund; and the several Clerks, for the issuing of the licenses hereby authorized, shall be entitled to a fee of fifty cents.

Sec. 11. That it shall not be lawful for any person to sell, by retail, in this Commonwealth, playing cards, without first obtaining a license to do so, from the Clerk of the County Court in which he proposes to sell, and at the same time ma-

collateral devises to be taxed.

Taxes to be paid into Treasury.

Playing cards to be taxed.

1843

king oath that he will make a true return of the number of packs sold by him, quarterly, which license may be granted, upon condition that the applicant shall execute bond with approved security, to pay quarterly to the Clerk of said County Court, twenty five cents upon each pack he may sell by retail, which money shall be accounted for by the Clerk as other revenue collected by him; and any person presuming to sell playing cards, without first obtaining license as aforesaid, shall be subject to indictment, and forfeit and pay the sum of fifty dollars for each offence; and the bond executed to the Clerk may be put in suit, and the defendant shall, at all times, be compelled to answer, on oath, as to the number of packs vend- ed by him.

Approved, March 11, 1843.

CHAPTER 376.

AN ACT for the appropriation of money.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury, to the several persons entitled to the same, viz:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

Speakers.

2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session.

Clerks.

3. To the Sergeants of the Senate and House of Representatives, twenty eight dollars per week, each, during the present session.

Sergeants.

4. To the Clerks of the Senate and House of Representatives, sixty dollars, each, for six days service after the close of the session, in preparing the acts for publication and arranging the books and papers.

Clerks for ser-  
vices after close  
of session.

5. To the Doorkeepers of the Senate and House of Representatives, twenty eight dollars per week, each, during the present session.

Doorkeepers.

6. To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day, each, during the present session.

Ass't Clerks.

7. To Joseph Gray, one dollar per day during the present session, for the services of his son, James Gray.

Joseph Gray,  
for son.

8. To the Cumberland Hospital, at Smithland, five hundred dollars.

Cumberland  
Hospital.

9. To Allen T. Noe, chairman of the committee to examine Transylvania University, thirty six dollars.

Noe.

10. To Samuel B. Jesup and William V. Loving, members of the same committee, nine dollars, each.

Jesup and  
Loving.

11. To James Campbell and William S. Helm, members of the committee on Banks, seventeen dollars, each.

Campbell and  
Helm.

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D. and J. S.  
Morgan and  
Payne.

J. Mayhall.

Tole &amp; Bohannan.

B. B. Johnson.

O. & J. Belt.  
David Jones.

W. R. Bradford.

U. Sebree.

J. Davidson.

Bap. Church.

C. H. Julian.

Same.

W. M. Todd.

Same.

J. D. Rake.

Lockwood and  
Lindsey.

A. C. Keenon.

A. G. Hodges.

Same.

Clerk Senate.

Pub. Printer.

12. To William C. Marshall and Shelby Stone, members of the same committee, twenty five dollars, each.

13. To Daniel Morgan and John S. Morgan, twenty five dollars each, and to Thomas Y. Payne, seven dollars and fifty cents.

14. To John Mayhall, Sergeant of the Senate, as per voucher (No. 1,) thirty dollars four cents.

15. To Tole & Bohannon, as per bill, (2,) twenty nine dollars.

16. To B. B. Johnson, as per bill, (3,) sixteen dollars and eighty three cents.

17. To O. & I. Belt, per bill rendered, (4,) twenty two dollars seventy five cents.

18. To David Jones, as per bill rendered, (5,) ten dollars.

19. To Wm. R. Bradford, Captain of the Lexington Artillery company, as per account rendered, (6,) including expenses incurred in firing a salute on the 8th January last, one hundred dollars.

20. To Urial Sebree, as per account rendered, (7,) five dollars.

21. To James Davidson, as per vouchers embraced in account rendered, (8,) two hundred and twenty five dollars nineteen cents.

22. To the Baptist Church in Frankfort, ten dollars, for the use of their bell during the present session.

23. To Charles H. Julian, as per account rendered, (No. 10,) four hundred and twelve dollars and four cents.

24. To Charles H. Julian, as per account, (11,) twenty three dollars ninety nine cents.

25. To William M. Todd, as per account, (12,) one hundred and thirty five dollars fifty four cents.

26. To William M. Todd, as per account rendered, (13,) two hundred and twenty eight dollars ninety seven cents.

27. To John D. Rake, as per account, (14,) one hundred and forty one dollars.

28. To Lockwood & Lindsey, as per bill, (15,) four dollars thirty three cents.

29. To Adam C. Keenon as per account rendered, (16,) one hundred and sixty two dollars sixty two cents.

30. To Albert G. Hodges, as per bill rendered, for printing executed as Public Printer, three thousand two hundred and seventy nine dollars and seventy four cents.

31. To Albert G. Hodges, Public Printer, in advance, the sum of three thousand dollars, for Public Printing to be done by him during the year eighteen hundred and forty three.

32. To James Stonestreet, Clerk of the Senate, for making an Index to the Journal of the Senate for the present session, one hundred dollars.

33. To the Public Printer, for making an Index to the Journal of the House for the present session, one hundred dollars.

34. That the Second Auditor of Public Accounts shall be, and he is hereby, authorized and directed to settle with Albert G. Hodges, for Public Printing executed during the present session of 1842-3, and not included in the bill rendered by him, and issue his warrant upon the Treasury for such sum as may be due said Hodges on such settlement.

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2d Auditor to settle with the Pub. Printer.

35. To Adam C. Keenon and Charles H. Julian, for binding two thousand two hundred copies of the acts of the General Assembly, so much as will amount to fifty cents a volume, and fifty cents for each volume of the Journals, and the same for each volume of the Reports or Legislative Documents of the two houses of the present General Assembly, one half of which to be paid in advance, and the balance upon their producing to the Second Auditor of Public Accounts, a certificate of the Secretary of State, showing the delivery of the Acts, Journals and Reports and Legislative Documents aforesaid, in his office: *Provided however*, If the full number of copies authorized to be bound, shall not be so delivered, a deduction shall be made at the rate of fifty cents for each copy of the Acts, Journals, Reports or Legislative Documents that are not bound by them.

Keenon & Julian for binding acts, &c.

36. To the publishers of the Commonwealth, seventy dollars.

Publish. Commonwealth.

37. To the publisher of the Kentucky Yeoman, one hundred and fifty dollars.

Pub. Yeoman.

38. To the Doorkeepers of the Senate and House of Representatives, six dollars per week, each, for furnishing water, making fires and other services not incumbent on them to perform as Doorkeepers.

Doorkeepers.

39. To Frances Lewis, one hundred dollars.

F. Lewis.

40. To Winston Bowman, late Sheriff of Casey county, nineteen dollars, for expenses incurred by him in conveying a lunatic to the Asylum.

W. Bowman.

41. To the Lunatic Asylum, for the support of that institution for the year 1843, the sum of thirteen thousand dollars.

Lunatic Asylum.

42. To James Davidson, Treasurer, thirty four dollars for counterfeit money received by him, in the discharge of his official duties.

J. Davidson.

43. To John W. Hunt, Thomas Grant and Jacob Ashton, for superintending the construction of buildings and other improvements at the Lunatic Asylum, one hundred dollars, each, and to said Hunt, Grant and Ashton, as Commissioners of said Asylum, the further sum of one hundred dollars, each, for the ordinary superintendence of said Asylum.

Hunt, Grant and Ashton, Com's Lunatic Asylum.

44. To negro boy William, for services rendered the House of Representatives, ten dollars, to be paid to Joseph Gray for him; and to negro boy Henry, ten dollars, for services rendered the Senate, to be paid to John Mayhall for him.

Negro boys Wm. and Henry.

45. That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrants on the Treasurer of this State, in favor of the School Commissioners, for the sums

Com. School Commission'rs.

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of money to which their counties are respectively entitled, and which are now due them for the use of Public Schools in operation in their respective counties in the years 1841 and 1842, to be paid out of any money in the Treasury not otherwise appropriated, and to be charged to the account of the school fund.

46. To B. B. Johnson, as per account, twenty eight dollars seventy eight cents.

Approved, March 11, 1843.

#### CHAPTER 378.

AN ACT for the benefit of the contractors of the Public Works.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the unexpended balance appropriated by the act, entitled, "an act to provide for the payment of the debt already due to contractors on the public works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky," approved 3d March, 1842, there is hereby appropriated, the further sum of not exceeding one hundred and forty thousand dollars.

**SEC. 2.** *Be it further enacted,* That the above sum of not exceeding one hundred and forty thousand dollars, shall be applied exclusively, by the Board of Internal Improvement, in paying off and discharging debts against the Commonwealth, for work done by contractors upon the public works.

**SEC. 3.** *Be it further enacted,* That to provide the means to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in sums of not less than one thousand dollars, bearing an interest of six per centum per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value in Kentucky currency.

**SEC. 4.** *Be it further enacted,* That should any contractor, for work in this Commonwealth, by a writing under his hand, executed to the Board of Internal Improvement, elect to accept as payment, or part payment, of his dues from this Commonwealth, any of the bonds or scrip of the State, authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place said bond or bonds in the Treasury; and upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor in favor of such contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said contractor, and charged to said Board as so much money, and the same shall be considered as constituting a legal sale of said bonds to said contractors.

**SEC. 5.** *Be it further enacted,* That no portion of the appropriation herein made, shall be paid to any local Board of



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Internal Improvement on the Turnpike roads, within this Commonwealth, who shall have violated the fourth section of an act, entitled, "an act to amend the law establishing the Board of Internal Improvement," approved, March 3, 1842.

SEC. 6. *Be it further enacted*, That it shall not be lawful for the Governor to sell any amount of bonds authorized to be sold by this act, beyond the resources of the Sinking Fund to meet the interest thereon.

Bonds not to be sold beyond resources.

SEC. 7. *Be it further enacted*, That the Board of Internal Improvement be, and they are hereby, authorized, by themselves or agent, to take possession of all the property belonging to the State, upon the Kentucky river, including lands and tenements at the respective lock sites, and to make such rules, regulations and disposition of said property as the said Board may think proper, to protect the same against lawless intrusion or depredation: *Provided*, That nothing in this section shall be so construed as to affect the rights and privileges granted to Joseph Barbour, by an act for his benefit, approved, 9th March, 1843.

Board In. Im. to take possession property, &c. on Kentucky river.

Proviso.

SEC. 8. *Be it further enacted*, That the Board of Internal Improvement shall not pay out any of the moneys above appropriated, to any works of Internal Improvements upon Turnpike roads, until the individual stockholders shall have paid up their proportion of the subscriptions.

Not to pay on roads unless individuals have paid.

SEC. 9. *Be it further enacted*, That the local Boards of the Turnpike Companies, shall, in no instance, after the passage of this bill, prosecute any improvements or direct any further work to be done, upon any contracts made before the law prohibiting new contracts to be made upon the roads, unless by the written instructions of the Board of Internal Improvements: *Provided*, That the sum that may be appropriated under this section, shall not exceed the sum of twenty thousand dollars.

No new contracts on roads to be made without directed by B. I. I.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, within the month of May next, to go upon the works on Licking river, and proceed to settle with the contractors on said river, all claims for work and labor done, and materials procured and furnished, or partly procured and furnished; and for any sum that may be found justly due to said contractors, or any of them, for such work, labor or materials, it shall be the duty of said Board to draw a requisition in favor of the person entitled thereto, on the Auditor of Public Accounts, who shall draw his warrant on the Treasurer for the amount, to be paid out of the funds provided for in this act. And said Board, shall further enquire into, and ascertain the damages occasioned and sustained by said contractors, on account of the suspension of their works by the State, and report the amount thereof to the next General Assembly, within the first week of the session, for final action upon the subject. Said Board shall have power to summon witnesses before them, and receive testimony in as full and

Board to settle with contractors on Licking river, and report, &c.

May summon witnesses and take proof.

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Board to take  
an oath.

May employ  
an engineer.

ample a manner as the Circuit Courts now have. And in the event of any member of said Board failing or refusing to attend and serve as above required, it shall be the duty of the Governor, forthwith, to appoint another: *Provided*, The person so to be appointed shall have had no connection with the public works in this Commonwealth, as contractor, engineer or superintendent: *And, provided further*, That before said Board proceeds to act under the provisions of this act, they shall go before some Justice of the Peace and be duly sworn, faithfully and impartially to discharge the duties imposed upon them by this act, and in all things pertaining to said settlement, to do full justice between the State and said contractors. And said Board may employ a competent engineer, to be agreed upon between the contractors and said Board; and it shall be the duty of the Attorney General, or Commonwealth's Attorney of ——— district, if required by the Board, to appear before them, and represent the Commonwealth in said settlements.

Approved, March 11, 1843.

# LAWS OF KENTUCKY.

Passed at December Session, 1842.

ROBERT P. LETCHER, GOVERNOR; MANLIUS V. THOMSON, LIEUT. GOVERNOR AND SPEAKER OF THE SENATE; JOHN L. HELM, SPEAKER OF THE HOUSE OF REPRESENTATIVES; JAMES HARLAN, SECRETARY OF STATE.

## LOCAL AND PRIVATE LAWS.

### CHAPTER 1.

AN ACT to charter the "Adas Israel" (community of Israel) in the city of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Maier Rosenthal, David Wise, Abraham Gerstle, Henry Goodman, Abraham Weil, Nathan Bensinger, Henry Bissenger, Jacob Wursburger, Moses Schwabacher, Sigmund Ullman, Abraham Schloss, Judel Bachruch, Emanuel Stern, Sampson Gundelfinger, Henry Lieber, Fais Mork, Leon H. Wisebart, Nathan Cerf, Jacob Hymann, Bernhard Uffenheim, Henry Selliger, Abraham Tandler, Joseph Grunebaum, Emanuel Bumberger, Mathias Zahl, Isaac Bumberger, Theodore Hansah, Isaias Roggenburger, Maier Kraft, Elias Help, Benas Marx, Simon Drumm, Wolf Steppacher, Simon Bumberger and Isaac Gumperts, and all other Israelites residing either temporarily or permanently in the city of Louisville, who may apply and be accepted into this Society, and their successors, are hereby constituted a body politic and corporate, under the name and style of "Adas Israel" (Community of Israel,) according to the form and mode of worship of the German Jews in Louisville, and under this title and denomination, shall enjoy the right of perpetual succession, and shall be capable in law, of owning, purchasing, receiving, accepting and holding, possessing and enjoying, for themselves and their successors, all immovables and effects

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Corporators.

Corporate powers.

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whatsoever, not exceeding twenty five thousand dollars, by means of any act, contract, deed, purchase or transaction whatever; to receive all donations, or cessions, whether *inter vivos* or *mortis causa*; to accept or reject any legacy or successions; to sue and be sued, summon and be summoned, plead or be impleaded, answer or be answered unto, in all suits and actions, and to enact and put into execution any by-laws, resolutions and regulations, for the better government of said Society, and not contrary to the laws of this State, or of the United States, and may also have and use a common seal, and the same to break, alter or renew at pleasure.

Officers and  
their qualifica-  
tions.

SEC. 2. That said congregation shall be represented by one Parnas, (Warden Senior,) a Treasurer, Secretary and Shomas, (Keeper,) who shall continue in office for one year, and until their successors are chosen and qualified, and that no one shall be elected or appointed who shall not have attained the age of twenty three years, and be a permanent resident of the said city of Louisville: *And provided*, That no person shall be elected to the same office more than two years in succession.

Bond to be  
given.

SEC. 3. That the Treasurer and Secretary shall give bond and security for the faithful performance of their duty, as the said congregation shall deem proper to demand.

Officers to be  
elected, when  
and how.

SEC. 4. That elections for all the above named officers shall take place every year, and on any day in the months of September and October, and that all votes shall be given by ballot, in a general meeting called for that purpose by the Parnas, of which he shall give at least one days' notice in the synagogue, at the regular meeting of the congregation.

Real estate  
shall not be  
sold.

SEC. 5. That the members of said congregation shall not, either separately or collectively, under any pretext whatever, sell or cede, alienate, lease or rent, any of the places consecrated to public worship or the burial of the Israelites.

If election  
does not take  
place, corpora-  
tion shall not  
be dissolved.

SEC. 6. That in case an election shall not take place on the day or time specified for that purpose, said corporation shall not be deemed dissolved on that account, and any three members of said congregation may call a meeting for said election.

How funds to  
be employed.

SEC. 7. That the funds of said congregation shall not be employed in banking, but shall be especially and exclusively appropriated and employed in erecting or repairing Temples or Synagogues, or for purchasing and enlarging ground for the same, in erecting or repairing the walls, fences and buildings of the burial grounds, or for purchasing or enlarging ground for the same, in relieving the unfortunate, in salaries to the Pastor, Reader, Keeper and Shocat, (Butcher,) in establishing schools for the education of Israelites, and also for all necessary books, furniture and accommodations calculated for the worship of said congregation.

Elections how  
held.

SEC. 8. That all elections, by ballot or otherwise, shall be carried by a majority of the members present in session, and

in case of their being equally divided, the presiding officer shall give the casting vote: *Provided*, That any future Legislature may alter, amend or repeal, this act.

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JOHN L. HELM,  
*Speaker of the House of Representatives.*  
MANLIUS V. THOMSON,  
*Speaker of the Senate.*

Approved, January 12, 1843.

R. P. LETCHER.

By the Governor :

JAMES HARLAN,  
*Secretary of State.*

### CHAPTER 3.

AN ACT for the benefit of the Sheriff of Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Clinton county be allowed until the May County Court of said county, to return his delinquent list for the year eighteen hundred and forty two.

Approved, January 12, 1843.

### CHAPTER 5.

AN ACT to allow an additional Justice of the Peace to the county of Crittenden, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional Justice of the Peace be allowed to the county of Crittenden, and the County Court of said county, in nominating a suitable person to fill said office, shall have due regard to the necessities of the town of Marion and vicinity.

Crittenden.

SEC. 2. That an additional Justice of the Peace be allowed to each of the counties of Ballard and Campbell.

Ballard and  
Campbell.

SEC. 3. That two additional Justices of the Peace be allowed to the county of Anderson.

Anderson.

SEC. 4. That hereafter, there shall not be any other Justice of the Peace appointed in the county of Woodford, until the number be reduced to ten, and at no other time hereafter shall there be a greater number than eleven.

Number re-  
duc'd in Wood-  
ford.

Approved, January 12, 1843.

### CHAPTER 7.

AN ACT to change the names of Drewry Davis Murray, William Goose and Sarah Ann Harris.

WHEREAS, it is represented to the present General Assembly, that Ausman D. Fiers and Mary J. Murray, citizens of

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Barren county, are desirous of having the name of their illegitimate child, now residing with said Mary J. Murray, changed, so that said child may inherit his estate as though it had been born in lawful wedlock; Therefore,

Murray.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Drewry Davis Murray, now residing with Mary J. Murray, in Barren county, and recognized by Ausman D. Fiers as his illegitimate child, shall be, and the same is hereby, changed to the name of Drewry Davis Fiers, and by this name shall have the same right to inherit the estate of said Ausman D. Fiers, and enjoy all the rights of a child, in as full and ample a manner as if said Drewry Davis had been born in lawful wedlock.

Harris.

SEC. 2. *Be it further enacted*, That the name of Sarah Ann Harris be changed to that of Sarah Ann Murphy.

Goose.

SEC. 3. *Be it further enacted*, That the name of William Goose, of Jefferson county, be, and the same is hereby, changed to that of William Robertson.

Approved, January 12, 1843.

## CHAPTER 8.

AN ACT for the benefit of Archibald H. and Eliza Cooper.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Archibald H. Cooper and Eliza, his wife, be, and they are hereby, permitted to remove with them to the State of Mississippi, the slaves of William Murray, deceased, the former husband of said Eliza Cooper, allotted to the said Eliza as her dower, and that such removal shall not forfeit said slaves, nor the interest of said Archibald and Eliza in said slaves, nor any dower interest of said Eliza in the estate of said William Murray, unto the person or persons that shall have remainder thereof: *Provided*, That the said Archibald H. Cooper shall, before such removal, execute bond in a sufficient penalty, with three or more good and sufficient securities, to the heirs of said Murray, to be approved of by the County Court of Caldwell county, conditioned to have said slaves and their increase, or such of them as may be living, forthcoming at any time when called upon by proper legal process, to answer the demands of such person or persons as at the time of such demand may be entitled to the same in reversion, and also, not to sell said slaves or their increase.

Approved, January 12, 1843.

CHAPTER 9.

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AN ACT for the benefit of the Trustees of Simpson Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sale of the Simpson Seminary, together with four acres of ground, with the appurtenances thereunto belonging, made by the Trustees thereof, to Thomas S. Mahin, on the tenth day of November, eighteen hundred and forty one, be, and the same is hereby, ratified and confirmed; and the said Trustees are hereby authorized and empowered to make unto the said Mahin, his heirs or assigns, such deed or other instrument of conveyance of said Seminary ground and appurtenances, as to them may seem best, which deed of conveyance shall vest the absolute fee simple in and to said Seminary, four acres of ground and appurtenances, in the said Thomas S. Mahin, and his heirs and assigns, forever.

Sale ratified and deed to be made.

SEC. 2. That the Trustees aforesaid, shall appropriate and apply so much of the proceeds of the sale aforesaid, as may be necessary to the satisfaction and payment of such amount as may remain unpaid by them, for the original purchase money for said Seminary ground and appurtenances; and the remainder of the proceeds of the sale aforesaid, be, and the same is hereby, directed to be applied by the Trustees aforesaid, to the erection of a Seminary within a convenient distance of the town of Franklin.

Proceeds of sale to be applied to paym't of debts and building another Seminary.

Approved, January 12, 1843.

CHAPTER 10.

AN ACT for the benefit of the Sheriff of Laurel county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jarvis Jackson, Sheriff of Laurel county, have until the twentieth day of June next, to pay into the Treasury the revenue of said county, for the year 1842: *Provided*, That the securities of said Jackson shall, at the February County Court for said county, enter their assent to the indulgence herein given, on the record of said court, and a copy thereof filed with the Second Auditor of Public Accounts, on or before the first Monday in March next.

SEC. 2. That said Sheriff shall have until the 20th day of June next, to return his delinquent list.

Approved, January 20, 1843.

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## CHAPTER 11.

AN ACT for the benefit of the former Sheriff of Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the former Sheriff of Laurel county be allowed until the first day of April next to return his delinquent list to the Second Auditor.

Approved, January 20, 1843.

## CHAPTER 12.

AN ACT to change the names of Sandford Jett, William Murray and Lewis Fugate.

S. Jett.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Sandford Jett be changed to that of Andrew Jackson, and that he is hereby adopted as the son of Alexander Jackson.

W. Murray.

*SEC. 2. Be it further enacted,* That the name of William Murray, of Clinton county, be changed to that of William King.

L. Fugate.

*SEC. 3. Be it further enacted,* That the name of Lewis Fugate, an infant of Gallatin county, be changed to that of Lewis Kirkpatrick, and is hereby adopted as the heir of Thomas Kirkpatrick.

Approved, January 20, 1843.

## CHAPTER 13.

AN ACT for the benefit of Thomas Jones, former Sheriff of Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Thomas Jones, former Sheriff of Laurel county, be, and is allowed until the fourth Monday in November next, to return his delinquent list for all militia fines that may be in his hands for collection: *Provided,* His securities shall go before the Clerk of the County Court of said county and consent, in writing, that they will not avail themselves of the extension of the time allowed, but stand bound as if this act had not passed.

Approved, January 20, 1843.

## CHAPTER 16.

AN ACT authorizing an alteration to be made in the State road leading from New Liberty, in Owen county, to Covington, on the Ohio river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Owen county, be, and the same is hereby, authorized and empowered, upon prop-



er application being made to it for that purpose, to cause an alteration to be made in the State road leading from New Liberty, in said county, to Covington, on the Ohio river, where the same passes through the land of William Conover, in said county, and cause all necessary orders to be made, and steps taken, for the establishment of the same: *Provided, however,* The said court shall be satisfied that said alteration will not result to the injury or disadvantage of the community.

Approved, January 20, 1843.

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CHAPTER 17.

AN ACT for the benefit of Martin Fugate.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Martin Fugate, late Sheriff of Pendleton county, be, and he is hereby, allowed the further time of one year, from the passage of this act, to collect the muster fines of the 21st regiment and 26th brigade of Kentucky militia, and for that purpose, he have the same rights, power and authority as if he were still Sheriff of said county.

Approved, January 20, 1843.

CHAPTER 18.

AN ACT to repeal all acts, or parts of acts, declaring Trammel's fork of Drake's creek, up to Carpenter's mill, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all acts, or parts of acts, declaring Trammel's fork of Drake's creek, up to Carpenter's mill, a navigable stream, be, and the same is hereby, repealed.

Approved, January 20, 1843.

CHAPTER 19.

AN ACT for the benefit of Robert Blackwell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Robert Blackwell, of Anderson county, his heirs, executors or administrators, shall not be required to pay a penal bond or any part thereof, payable to the Commonwealth, and executed by him as security for Nathaniel Richardson, administrator of John Veniss, which administration was granted said Richardson by the County Court of Franklin county, at their June term, 1812.

Approved, January 20, 1843.

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## CHAPTER 20.

AN ACT for the benefit of James W. Cruce, Jr.

WHEREAS, it appears that James W. Cruce, Jr., is the owner of a certain negro woman, named Tabitha, given to him by his father, who resides in the State of Tennessee, and that previous to the said gift, said negro woman claimed and lived with a negro man named Handy, (the property of Harris Odem,) as his wife. Being much attached to each other, the owner of said Tabitha is anxious to purchase said negro, Handy, for his own use, so that the family may be united, but cannot import said negro man into this Commonwealth without an act for that purpose—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said James W. Cruce, Jr., to purchase and import into this State, for his own use, the before mentioned negro, Handy, (now the property of Harris Odem): *Provided*, The said James W. Cruce, Jr., shall, within thirty days after importing said slave, Handy, take an oath, before some Justice of the Peace for Crittenden county, Kentucky, that he purchased said slave for his own use, and not for merchandize, and have the said affidavit recorded in the Clerk's office of the County Court of Crittenden; and on the failure of said Cruce to take and record the affidavit aforesaid, this act shall not be construed as in any manner exempting him from the penalties of the act of eighteen hundred and thirty three, prohibiting the importation of slaves into this Commonwealth.

Approved, January 20, 1843.

## CHAPTER 21.

AN ACT for the benefit of David T. Porter and his securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David T. Porter and his securities, have until the 25th day of December, 1843, to avail themselves of the benefit of an act, entitled, an act for the benefit of all those who may have executed bonds to the Commonwealth for Public Arms, approved, February 12th, 1842.

Approved, January 20, 1843.

## CHAPTER 22.

AN ACT for the benefit of William Lynch.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Lynch, of Simpson county, be, and he is hereby, authorized to retain in his possession in this Commonwealth, the following slaves, to wit: James, Edward,

Jacob, Stephen, Harvey, Priscilla, Amy, Martha, Henrietta, Harriet and Eveline, they having been taken by him in exchange for other slaves which were sent out of the Commonwealth: *Provided*, That said Lynch shall make, and cause to be entered on the order book of the Simpson County Court, his affidavit, setting forth the names and ages of said slaves, and that he, in good faith, acquired and intends to keep them for his own use.

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Approved, January 20, 1843.

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CHAPTER 23.

AN ACT for the benefit of William Corum, of Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Greenup county, a majority of the Justices thereof being present, be, and they are hereby, authorized to make such allowance and grant such compensation as in their opinion may be proper, to William Corum, Clerk of the Greenup Circuit and County Courts, for making a general index to all the judgments in the said Circuit Court, from the year 1804, to the year 1842, and for making a general cross index of all deeds, mortgages, &c. now of record in the County Court of said county.

Approved, January 20, 1843.

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CHAPTER 24.

AN ACT to establish an election precinct in Pike county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is established an election precinct in the north east corner of Pike county, and that the place of voting therein, be at the house of Farmer Lesley, on John's Creek, and that the County Court of said county shall appoint Judges, Clerks, &c., to attend said elections, in compliance with the laws now in force on the subject of elections.

Approved, January 20, 1843.

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CHAPTER 25.

AN ACT for the benefit of Henry L. Green.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it may be lawful for Henry L. Green, of the county of Russell, to file an amended answer against the second day of the next term of the Circuit Court of said county, to the bill of Lucy B. Green, exhibited against him for a divorce, under the provisions of an act of the Legislature, ap-

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proved 17th of February, 1842, which gave her the right to file her bill for a divorce, before two years had elapsed from the separation, and to make said answer a cross bill against the complainant, Lucy B. Green, and praying for a divorce, and the Chancellor shall adjudicate and render a decree as though three years had elapsed since their separation.

Approved, January 20, 1843.

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CHAPTER 26.

AN ACT to allow additional Justices of the Peace to the counties of Harlan and Letcher.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be, and is hereby, allowed an additional Justice of the Peace to Harlan county.

SEC. 2. *Be it further enacted*, That two additional Justices of the Peace be allowed to the county of Letcher.

Approved, January 20, 1843.

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CHAPTER 27.

AN ACT for the benefit of James H. Winston.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Campbell county, be, and they are hereby, directed and required, upon the application of James H. Winston, of said county, to cause an order to be made on the records of said court, directing the Sheriff of said county to pay to said Winston the sum of twenty four dollars out of the depositum of 1842, which said sum was certified by the Judge of the Campbell Circuit Court, at the special Chancery term, held in February, 1842, to the said County Court for payment: *Provided however*, That if there shall not be a depositum sufficient for the payment of said claim, then the said County Court shall, at their next Court of Claims, cause the same to be allowed and levied for as other county claims.

Approved, January 20, 1843.

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CHAPTER 28.

AN ACT for the benefit of William M. Coleman.

WHEREAS, it is represented to the present General Assembly, that William M. Coleman, of Christian county, has subscribed thirty shares of stock in the Logan, Todd and Christian Turnpike Road, in consequence of the location of said road near his residence, and in consideration of the subsequent change in the location of said road, the Board of Managers

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agreed to release said Coleman from the payment of ten of the thirty shares of stock subscribed by him, with the consent of the State and individual stockholders: And whereas, a majority of the Board of Managers and individual stockholders have petitioned for the release of said Coleman of ten of the thirty shares subscribed by him; Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William M. Coleman, of Christian county, be, and he is hereby, released from the payment of ten of the thirty shares of stock subscribed by him in the Logan, Todd and Christian Turnpike Road Company.

Approved, January 20, 1843.

CHAPTER 29.

AN ACT to change the place of voting in the Corn creek precinct, in Trimble county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election precinct established and known as the Corn creek precinct, in Trimble county, be removed to Milton, on the Ohio river, in said county.

Approved, January 20, 1843.

CHAPTER 30.

AN ACT for the benefit of James W. Cook.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts be directed to issue to James W. Cook, on his application, a warrant on the Treasury for the sum of forty dollars, being the amount of a fine paid by him into the Public Treasury, and the Treasurer is hereby directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved, January 20, 1843.

CHAPTER 31.

AN ACT to establish an additional election precinct in the county of Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in the south west corner of Campbell county, an additional election precinct, and the place of voting shall be held at Tibbatts' cross roads; and it shall be the duty of the County Court of Campbell county to appoint a Clerk and Judges for said precinct; and the taking of votes at said place of voting, shall, in all respects, be regulated as the same is governed at other places of voting in this Commonwealth.

Approved, January 20, 1843.

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## CHAPTER 32.

AN ACT for the benefit of Jackson Shelton and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the names of Jackson Shelton, Margaret Shelton and James Thomas Shelton, of Christian county, be, and they are hereby, respectively changed to Jackson Thompson, Margaret Thompson and James Thomas Thompson.

Approved, January 20, 1843.

## CHAPTER 33.

AN ACT for the benefit of the infant heirs of John W. Wooldridge, deceased.

**WHEREAS**, it is represented to the General Assembly of the Commonwealth of Kentucky, that Lucien Wooldridge, Pleasant Wooldridge and Jane W. Wooldridge, and other heirs and representatives of John W. Wooldridge, deceased, are about to institute a suit in chancery, in the Christian Circuit Court, against Elijah Camplin, for the purpose of subjecting a certain tract of land in said county to the payment of the purchase money for said land, being the same land purchased by said Camplin of the executors of said John W. Wooldridge, deceased, under the authority vested in them by the will of said Wooldridge; And whereas, it is represented that the said land will fall far short of paying the amount due to said heirs from said Camplin: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the rendition of the decree in the cause against the said Camplin, for the sale of said land, the Chancellor is hereby empowered to authorize the guardian of said infants to bid for and purchase said land for the use and benefit of said infants, if in his opinion it would redound to the interests of said infants: *Provided*, He did not bid for and purchase said land at a greater price than the amount of the debt, interest and costs due.

Approved, January 20, 1843.

## CHAPTER 34.

AN ACT to amend the law establishing the town of Elkton, and for other purposes.

Town incorporated.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Elkton, as it is now established by law, within the boundaries defined in the plats of said town, with such additions as may hereafter be made to said town, shall be, and is hereby, incorporated, under the style of "The Town of Elkton," and as such, by that name, shall be capable in law, of contracting and being contracted

with, of suing and being sued, of answering and being answered, in all matters whatsoever, and in all courts and places.

SEC. 2. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in seven Trustees, all of whom shall be elected annually, on the first Monday of August, in the same manner the Trustees of the said town are now elected, who shall hold their offices until their successors shall have been duly qualified, all of whom shall be freeholders, and shall have resided in said town one year next preceding their election.

SEC. 3. That on the first Monday in August, in each year, the free white male inhabitants in said town, over twenty one years of age, who have *bona fide* resided therein six months next preceding the time of election, and who shall have paid up all arrearages due said town for their poll taxes and other taxes for the preceding year, which, upon being questioned, must be satisfactorily shown, may vote for seven Trustees. The said Trustees, before they enter upon the discharge of their office, shall be qualified before some Justice of the Peace, to discharge faithfully their duty as Trustees, to which office they have been elected, to the best of their ability, during the time they are in office.

SEC. 4. That the Trustees, and all officers to be appointed by them, shall reside, and keep their respective offices within the limits of said town, during their continuance in office; six months absence from said town, by either of the Trustees, shall vacate the office of such absentee, if a resolution to that effect shall be passed by the whole number of the remaining Trustees, and another, in such case, may be elected by the Board of Trustees, in his stead, and said Board may fill all vacancies accruing in their Board, by resignations or death.

SEC. 5. The Board of Trustees elected, or a majority thereof, shall be capable of doing business in session, and they shall elect a Chairman from their body, who shall preside when present, and give the casting vote when there shall be a tie; he shall call the Board to order, and convene the Board when he shall think proper. The Board of Trustees shall have power to enforce the by-laws, and shall inflict penalties not exceeding one dollar, on any member, for not attending any one of the meetings of the Board, when notified by the proper officer, to be applied for stationery, light and fuel for said Board. The Board of Trustees shall, annually, appoint a Clerk, Assessor, Treasurer, Collector, and other officers, as may be necessary to carry into effect the by-laws, rules and regulations, made for the general welfare of the citizens of said town. The Trustees shall, thirty days previous to the annual election, in each year, give notice, by advertisement, at two of the most public places in said town, of the election of seven Trustees, for twelve months next succeeding; the Clerk and Collector shall hold the election, at the court house in said town, at the same hour that the Trustees have given notice. The Clerk

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Trustees to be elected.

Time of election, qualification of voters.

Oath of Trustees.

Trustees, &c. to reside in the town.

Vacancies to be filled.

Chairman to be chosen.

By-Laws.

Officers.

Powers of the Board.

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and Collector shall certify, on the poll book, the persons elected, and return the same to the Board. The Trustees, and all other officers, shall be vigilant and active in causing the laws and ordinances to be duly executed and put in force,—the Chairman shall countersign all orders of the Board, signed by the Clerk. The Board of Trustees shall have power to remove all officers appointed by them, for improper conduct, and shall have power and authority to determine what fines or imprisonment, on failure to pay the same, shall be imposed on all persons who shall be guilty of indecent or boisterous conduct, such as to disturb the peace and good order of said town. They shall have power and authority to impose fines upon all who shall be guilty of running horses, or trotting or galloping horses in wagons, or of profane swearing, clamorously in the streets, shooting guns, or making reports by the burning of powder, blowing horns, crying aloud by day or by night, in a disorderly manner, and of any riotous or disorderly conduct within said town.

Judicial power under this act vested in Justices of the Peace, and their fees, &c.

Fees of Constable.

SEC. 6. That the Board of Trustees of Elkton shall not, as such, exercise any judicial authority whatsoever; but all judicial authority under this act shall be vested in any Justice of the Peace of Todd county, residing within the limits of the town of Elkton, and that said Justice, so proceeding, exercising authority, and performing duties under this act, shall be entitled to demand twenty five cents for each warrant he issues, and twenty five cents for recording judgments, and twenty five cents for issuing execution on same; all warrants issued by him, under this act, shall be executed by any Constable of Todd county; also summoning a jury, collecting fines, executions, &c., shall be done by any Constable of Todd county, residing in the limits of said town; said Constable shall be allowed, for executing a warrant, twenty five cents; summoning jury, one dollar; and six per cent. on each dollar collected on executions under this act; and where the defendant or defendants shall be found guilty, he or they shall be liable for all costs accruing of such proceeding, and if the fine and costs of proceedings be not paid, he or they shall be imprisoned in the jail of Todd county, not exceeding six hours. The defendant or defendants shall be entitled to a trial by jury in all cases where the fine shall exceed five dollars; and in no case shall the fine exceed twenty dollars.

Fines to be paid to town Treasurer.

SEC. 7. That all fines for any offence whatever, imposed by, and collected under the provisions of this act, shall be paid to the Treasurer of the Board of Trustees for the town of Elkton, and to be accounted for as other funds of said town.

Appeals allowed.

SEC. 8. That in all cases tried and determined by any Justice of the Peace, under this act, the same right of appeal shall exist, and is hereby given to either party feeling him or herself aggrieved thereby, to the Todd County or Todd Circuit Court, in the same manner, upon the same terms, and subject



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Assessor and his duty.

to the same limitations, as he, she or they might, or would be entitled to, on a judgment on a warrant in a civil case.

SEC. 9. That the Board of Trustees shall, in the month of March, proceed to appoint an Assessor, whose duty it shall be to take the list of taxable property of the said town of Elkton, in the same manner that the State tax and county levy is taken. If any person or persons shall refuse to give a list of his or her property, or shall be absent from the town, the Assessor shall make out a list from the best information he can obtain, and he shall, on or before the first day of May, annually, complete and return the list so taken, to the Board of Trustees, and it shall be the duty of the Clerk to record the same in a book; and to said Assessor shall be allowed two dollars per day for his services.

Collector and his duty.

SEC. 10. The Clerk shall certify a copy of the list to the Collector, on or before the fifteenth of May, and it shall be the duty of the Collector to collect the list of taxes given to him, and certified to him by the Clerk. He shall have the same power to collect, levy and destrain, for the purpose of collecting said list of taxes, that the Sheriff of Todd county now has, to collect the county levy and State revenue.

Town tax.

SEC. 11. That the Board of Trustees shall have power to assess an *ad valorem* tax on all property contained in the list returned by the Assessor, in said town, not to exceed five hundred dollars, and not over one dollar as a poll tax on each tythable.

Board may make and enforce by-laws.

SEC. 12. That the Board of Trustees shall have power to make and enforce all by-laws for the better regulation of said town.

Repealing clause.

SEC. 13. That all acts coming within the purview of this act, shall be, and the same are hereby, repealed.

Approved, January 20, 1843.

#### CHAPTER 35.

AN ACT to change the name of William M. Jesse to the name of William M. Taylor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of William M. Jesse be, and the same is hereby, changed to the name of William M. Taylor.

Approved, January 20, 1843.

#### CHAPTER 36.

AN ACT to enlarge John Sparkes' Constable district in the county of Harrison.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Constable's district in the county of

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Harrison, of which John Sparkes is Constable, shall be, and the same is hereby, enlarged, so as to include the tract of land and farm thereon situated, known and called the Broadwell farm.

Approved, January 20, 1843.

## CHAPTER 37.

AN ACT to change the name of John Hampton to John Hampton Rhea.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of John Hampton, of Logan county, be, and the same is hereby, changed to the name of John Hampton Rhea, and by that name he shall be hereafter called, styled and known.

Approved, January 20, 1843.

## CHAPTER 38.

AN ACT to allow an additional Justice of the Peace for Marshall county.

WHEREAS, it is represented to this General Assembly, that the neighborhood of Starke's mill, in Marshall county, is much in want of a Justice of the Peace: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace is hereby allowed to the county of Marshall.

Approved, January 20, 1843.

## CHAPTER 39.

AN ACT to amend and reduce into one the several acts concerning the town of Bowlinggreen, and to change the time of the election of Trustees of the town of Burksville.

Town incor-  
porated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Bowlinggreen, as now established by law, within the boundaries defined in the plats of said town, with such additions as may hereafter be made to said town, shall be, and is hereby, declared to be the town of Bowlinggreen, and as such, by that name, shall be capable in law, of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatever, and in all courts and places.

Chairman and  
Board of Trus-  
tees.

SEC. 2. That the fiscal, prudential and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees, and six Trustees, who shall be elected on the first Saturday in December, in each year, in the same manner that the Chairman and Trustees in said town are now elected by law, and shall hold their offices until their successors shall have

been duly qualified, all of whom shall be free holders, and shall have resided in said town one year next preceding their election.

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SEC. 3. That the Chairman and Trustees of said town, now in office, shall continue to exercise all the power and authority in them now vested by law, until their successors shall be duly appointed, except so far as said powers are incompatible with this act, and all the power, authority and privilege vested in any of the officers of Bowlinggreen, as hereinafter provided for in this act, shall be vested in, and exercised by the present officers of said town, and by their successors in office.

Powers of the Trustees.

SEC. 4. That the first Saturday in December in each succeeding year, the free white male inhabitants in said town, over twenty one years of age, who shall have, *bona fide*, resided therein for six months next preceding the time of election, may vote for a Chairman and six Trustees, naming who they vote for as Chairman, and whom as Trustees. The Chairman and Trustees shall, before they enter upon the discharge of the duties of their office, be qualified before some Justice of the Peace, to discharge the duties of Chairman and Trustees, (to which office they may have been severally elected,) to the best of their ability during the time they continue in office.

Election of Chairman and Trustees.

SEC. 5. That the Chairman, Trustees, and all officers to be appointed by them, shall reside and keep their office within the limits of said town, during their continuance in office; three months absence from said town, by the Chairman or either of the Trustees, or any officer in said town, shall vacate the office of such absentee, by a resolution to that effect by the whole number of the remaining Trustees, and another may, in such case, be elected by the Board of Trustees, in his or their stead; and said Board may fill all vacancies accruing in their Board, by resignation or death, or any vacancy in any of the offices in said town.

Officers to reside and keep their offices in town.

Vacancies.

SEC. 6. The Chairman of the Board of Trustees shall be qualified before a Justice of the Peace, and he may administer the oath of office to each Trustee, and all officers of said Board. A majority of the Trustees elected shall be capable of doing business in session; the Chairman shall preside when present, and give the casting vote when there shall be a tie; he shall call the Board to order, and convene the Board when he may think proper. The Board of Trustees shall have power to enforce the by laws and inflict penalties, not exceeding two dollars, on any member for non-attendance at any one meeting, to be applied for stationery, light and fuel for said Board; they shall annually appoint a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and such other officers as may be necessary to carry into effect the laws, by-laws, rules and regulations made for the general welfare of the citizens of said town. They shall have power, every year, sixty days previous to the annual election in such year,

Chairman and Trustees to be sworn.

Powers of the Chairman.

Powers of the Board.

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Wards, elections in.

to lay the town off into two or more wards, to be as nearly equal in population and improvement as may be practicable, out of each of which may be elected an equal proportion of Trustees, to reside therein, and the Chairman, by the persons residing therein entitled to vote; the places in each ward to be advertised in some newspaper printed in said town, or at two of the most public places in said town. Trustees shall be appointed by the Board as Judges of the election, and a Clerk of said ward shall also be appointed. The Judges and Clerks of the several wards shall hold the election in the different wards at the same time, and close at the same hour; they shall give such Trustees as are elected in each ward, a certificate of their election; the Judges and Clerks of the different wards shall meet and certify to the Clerk and Chairman, the number of votes given for Chairman. The Clerk of the Board of Trustees shall, in the presence of the Judges from the different wards, add up the polls and certify the same to the person elected as Chairman. All the officers of said town shall be vigilant and active in causing the laws and ordinances to be duly executed and put in force. The Chairman shall countersign all orders of the Board signed by the Clerk; he shall report all improper conduct of the officers appointed by the Board, to such Board in session, and such Board shall have power and authority to remove them by resolution of the Board, to be recorded by the Clerk.

Duty of officers.

They may be removed.

New streets and alleys.

SEC. 7. That the Chairman and Trustees may receive conveyances, or the consent in writing, of the proprietors of lots of lands within said town, for the purpose of locating new streets or alleys, or extending any of the streets or alleys of said town to the limits thereof; and on receiving the same, may direct such street or alley to be extended or opened, and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said town extended in part or to the limits thereof, they shall petition the Warren Circuit Court or the Bowlinggreen Police Court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof, and thereupon said court shall order a summons to issue for such owner to appear, on some convenient day of that or some subsequent term, to show cause why such street or alley shall not be opened or extended, which summons shall be executed on such owner, if in the county, if not, on his agent if one is known, and on the return of the summons executed, or the return of "no inhabitant and no known agent," and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ

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executed, the court shall order the Chairman and Trustees to pay the damages assessed, and shall order the street or alley to be opened or extended. The Chairman and Trustees shall have full power and authority to cause all streets or alleys to be opened and cleared of all obstructions, by the inflictions of suitable fines and penalties: *Provided however*, That the Chairman and Trustees of said town shall have power, at any time before the final order or decree, to dismiss their petition, which shall not prevent their again instituting proceedings for opening such street or alley, at any time after one year from said dismission.

SEC. 8. That the Chairman and Trustees shall have full power and authority to cause and procure all the streets and alleys, or any of them, or any part or portion of them, in said town, now established or hereafter to be established, to be graded, paved, turnpiked, gravelled, or otherwise improved, and to enable them to pay for the same, they are hereby authorized to levy and collect a tax, not exceeding ten cents on each one hundred dollars value of real and personal property in said town, said tax so to be levied, to be set apart for the special purpose of paving, grading, turnpiking, gravelling or otherwise improving said streets and alleys: *Provided however*, That before any order shall be made for so improving said streets or levying said tax, two thirds of the whole number of Trustees shall concur in making said order.

Streets to be  
graded, paved,  
&c.

SEC. 9. And whereas, some of the citizens of said town and other owners of lots may have, under the direction of said Trustees, paved and turnpiked some portion of the streets of said town, fronting their lots; Therefore, *Be it further enacted*, That said Chairman and Trustees shall ascertain, as far as practicable, how much any such person has actually paid for such paving, &c., and shall make a record of the amount which each person shall have paid, and such persons shall not be required, as to the lot opposite the paving for which they have paid, to pay any of the tax for paving, &c., until the amount assessed against their said property shall equal the sums already paid by them respectively.

Costs of pave-  
ments hereto-  
fore made to be  
credited.

SEC. 10. That said Chairman and Trustees may, also, cause the side walks in said town to be curbed and paved, with stone or brick, the costs whereof shall be apportioned and assessed against the owners of lots fronting said side walks, and a lien is given on said lots for the same.

Side walks.

SEC. 11. That said Chairman and Trustees shall have the power and authority to assess, levy and collect taxes on such real and personal estate, as they may designate, but such taxation shall be uniform on each description of property assessed.

Taxes.

SEC. 12. They shall annually appoint one town Assessor, and one assistant, if necessary, who shall take in a list of all the taxable inhabitants, and owners of property within said town, separately, and affix against each the amount of his, her or their real estate within said town, and also the true and just

Assessor and  
his duties.

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value of such personal estate of each of said inhabitants or owners, whether in goods, stocks, manufactories or other property that may be designated for taxation by the said Chairman and Trustees; which list shall be made on the oath of the party, or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such Assessor possesses, and the said list shall be extended to include all free males over twenty one years of age, and all slaves, with the value of each, taverns, grocers, victuallers, retailers and confectioners, and houses of public resort, (except gaming houses and houses of ill fame,) hacks, drays, carts, wagons, and porters, plying in said town for hire; and when said lists shall be completed and returned to the Board of Chairman and Trustees, they shall give a reasonable notice, that any inhabitants of said town may examine the same, that if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the Chairman and Trustees, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, The application is made within the time which may be prescribed by them, after which no abatement or change shall be made. The Chairman and Trustees shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the Board by the Chairman, provided the same shall not exceed twenty five cents, (including the paving tax, if any,) on each hundred dollars for such valuation.

Stores may be  
taxed.

SEC. 13. They shall also have power and authority to cause all stores within said town to be rated, first, second and third rate, levy and collect a tax on each, not exceeding one hundred dollars per year, and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessment of property for taxation, it being hereby intended to give to said Chairman and Trustees, the right, either to rate the stores, groceries, &c., or make them pay the *ad valorem* tax assessed, as upon other property. Said Chairman and Trustees shall likewise, have the power, by ordinance, to provide for the taxing or rating of any store, grocery, &c., which may be commenced or opened at any time subsequent to the day fixed upon for the annual assessment, and so of all itinerant merchants or venders: *Provided*, That in no case, shall the tax levied on such store, grocery, &c., be less than the ratable amount, (as compared with the other assessment,) in proportion to the time the same is kept open. They shall also have the right to tax auctioneers in said town, (in addition to the taxes now imposed by law,) not exceeding two per cent. upon all public or private sales of goods, wares or merchandize, not the produce or manufacture of Kentucky, and to require them to take out licenses, with such restrictions and requisitions as may be necessary to enforce said tax, but no tax shall be required for sales of decedents' estates, by executors, administrators or curators, nor by Sheriffs, Constables,

Auctioneers  
taxed.

Marshals, Coroners or any other public officer as such, nor by Commissioners appointed or directed by authority of any court.

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SEC. 14. They shall also have a right to tax, and the exclusive right to license all taverns, houses of private entertainment, grocers, victuallers, confectioners, retailers and houses of public resort, except gambling houses, or houses of ill fame, within said town; but tavern keepers shall also be liable to pay the revenue tax of ten dollars, but no license shall be granted whereby spirituous liquors or wines may be retailed, except to a tavern keeper, upon the payment of the sum of fifty dollars, at least.

Power to tax & license taverns, &c.

Proviso.

SEC. 15. That said Chairman and Trustees shall have power and authority (two thirds of the Trustees concurring) to suspend, either indefinitely, or for a fixed period, any license which they may grant, or may have granted to a tavern keeper, whenever they shall be satisfied that said tavern keeper has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct whatever, to be practised or committed in his house, or has permitted any person or persons, to tipple or drink to intoxication in his house: *Provided, however,* That no license shall be suspended until the said tavern keeper shall have had at least five days previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have thus been suspended by said Chairman and Trustees, shall afterwards sell by retail, any spirituous liquors, or wines, he shall be deemed to be guilty of keeping a tippling house.

May suspend tavern licenses.

SEC. 16. They shall also have the right to license and tax, and regulate, all carts, wagons, drays, hackney coaches and porters, which may be plying in said town for hire. They shall also have the power, whenever in their opinion the interests of said town may require it, to levy and collect taxes on dogs and other domestic animals, not exceeding five dollars on each dog or other animal.

Power to license and tax carts, &c.

May tax dogs, &c.

SEC. 17. They shall also have the right to tax and license all shows, exhibitions, performances or concerts, given, made or exhibited for money or property, within said town, and within one half mile of the limits thereof; and may prohibit them until a license be obtained; but lectures shall not be subject to taxation.

Shows.

SEC. 18. A tax shall be levied on each free male inhabitant of said town, at a rate not exceeding one dollar and fifty cents each.

Poll tax.

SEC. 19. When the said taxes are made out and fixed, as herein provided, bills or lists shall be placed in the hands of a Collector or Collectors, to be appointed by said Chairman and Trustees, with their warrant or authority to collect the same. The power of the Collector or Collectors of the said town tax shall be the same, as to the distraining, advertising and selling

Collector and his powers and duties.

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property, as is now granted by law to the Sheriff, in the collection of the State revenue and county levy; and the property shall, as to time for listing and collecting, be the same as for State taxes; and for failing to pay taxes on real estate, the same remedies, by damages and interest, by sale of the real estate, shall exist, and the same lien also exist on the property taxed, as in the collection of the State revenue, except that all persons may purchase at said sales. Bond with good security, in an adequate penalty, shall be taken of said Collector or Collectors, payable to the Chairman and Trustees of the town of Bowlinggreen, and he or they shall be removable at the pleasure of the Chairman and Trustees. The Collector and his securities, shall be liable to judgment, by motion in the Warren Circuit Court, for failing to collect and pay over any sums put in his hands for collection, at the time stipulated, with ten per centum interest, and costs; and five days notice of such motion, shall be sufficient, and there shall be no replevin or valuation of property on executions issuing on such judgments. A lien shall exist on the real estate and slaves of said Collector and his securities, for the payment of all sums placed in his hands for collection. It shall be the duty of the said Collector to continue the collection of taxes and other town dues, until his successor shall be appointed and qualified, and he shall settle his accounts from time to time as the Chairman and Trustees shall require.

Cisterns.

SEC. 20. The Chairman and Trustees shall have power to procure and cause to be dug, finished, &c., as they may direct, cisterns, wells, &c., and keep the same in repair, at the expense of said town.

Moneys rec'd  
and paid out to  
be published.

SEC. 21. They shall, annually, publish an account of all the moneys received and paid out by their order, during the year they are in office.

Board may  
borrow money.

SEC. 22. The said Chairman and Trustees shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation or town property for the redemption of the same, or to pledge any part of the future taxes of the town for the payment of the principal and interest on said loan: *Provided*, That the interest paid, shall in no case exceed six per centum per annum, and that the amount of loan at any time to said town shall not exceed five thousand dollars.

Appoint In-  
spectors.

SEC. 23. They are authorized and empowered to appoint Inspectors of flour, tobacco, whiskey, beef, pork, butter and lard, for exportation, to provide against fraud thereon, and to make such by-laws as shall be needful to carry the same into effect, and to punish breaches thereof. They shall also have power to appoint a health officer, to establish regulations which may be necessary and proper to prevent the introduction of small pox, or other contagious diseases, and to eradicate such disease when it shall make its appearance in the town: *Provided*, That they shall not establish any regula-

Health officer.



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tion inconsistent with the constitution and laws of the State, nor shall any thing herein be deemed to prevent the Legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections, nor to restrict the power of the County Court of Warren.

SEC. 24. They shall have the power to organize a fire department for the extinguishment of fires that may happen within said town, to provide engines, and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to said engines; the said engine men to be appointed for any term that the Chairman and Trustees shall ordain, and be discharged by them at pleasure, and said Chairman and Trustees shall make all necessary by-laws to punish any inhabitant of said town for non-attendance, or disorderly or improper conduct during the time of fire.

Fire department.

SEC. 25. The said Board shall have the power, with the concurrence of three fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said town, where great danger from such buildings may ensue to valuable and permanent improvements, and to enforce the observance of the same by fines and penalties.

Power over buildings.

SEC. 26. They shall have power to erect or procure a suitable building for a work house, in which shall be confined vagrants and all persons who may be sentenced for short periods of confinement by the Justices of the Peace within said town, or by the Bowlinggreen Police Court, for breaches or disturbances of the peace, or for petty offences, where they shall be employed in labor, and made to perform such tasks as shall be directed by the ordinances of said Chairman and Trustees; persons committed to the work house, shall be sent there by warrants, either of the Bowlinggreen Police Court, or Justices of the Peace, as aforesaid, and discharged by the overseer on the expiration of the time for which they were sentenced. All by-laws and ordinances necessary to carry this article into effective operation, not repugnant to the laws of this State or of the United States, are to be made and enforced by said Chairman and Trustees.

Work house.

SEC. 27. They shall have power, whenever the public convenience or safety shall, in their opinion require it, to prohibit hogs and other animals from running at large in the streets, alleys, commons and other public places in said town, and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as shall be prescribed by ordinance. They shall also have power to suppress, by ordinances with suitable penalties, all tippling houses, bawdy houses, and houses of ill fame, all retailing of spirituous liquors, and all riots, disorders, breaches of the peace,

May prevent hogs, running at large.

Suppress nuisances.

Tippling houses, &c.

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disturbances of religious worship, and disturbers of the peace and tranquility of the said town.

Powder magazines may be erected.

SEC. 28. They shall have power to erect and procure one or more suitable buildings as powder magazines, to provide suitable carriages for the conveyance of gun powder, and to pass by-laws to prohibit the introduction of gun powder into said town, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced.

Property, &c. vested in the town.

SEC. 29. That all the rights, privileges and property, real and personal, and choses in action, which are now vested in and belonging to the Trustees of Bowlinggreen, shall be vested in and belong to the town of Bowlinggreen, subject to the payment of all just demands which may exist against said Trustees, and for which they are responsible, and in all suits against said town, the writ shall run in the name of the town of Bowlinggreen, and service on the Chairman shall be sufficient.

Suits against the town.

Power to purchase and hold property, &c.

SEC. 30. The said Chairman and Trustees shall have power to purchase, hold and sell real estate within the limits of said town, and also purchase, hold and sell real estate either within or without the limits of said town, for the purpose of a potters field, cemetery and other purposes, not exceeding twenty acres; also, to purchase, hold and sell personal estate and stocks in incorporated companies.

Power to carry into effect this act given.

SEC. 31. That the Chairman and Trustees shall have full power to pass all needful ordinances and by-laws, for carrying into effect all the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbances of religious worship, riots, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars.

Validity of by-laws, how tried.

SEC. 32. The validity of the town ordinances and by-laws may be tried by a writ of prohibition from the Judge of the Warren Circuit Court, with the right of appeal by either party, to the Court of Appeals. Should the Police Judge of said town decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law shall, on request of the town Attorney, or of the Chairman, be certified on the record, and the said Chairman and Trustees shall have the right of carrying said decision to the Court of Appeals, by appeal or writ of error. All penalties for violation of the ordinances and by-laws shall be sued for in the name of the town of Bowlinggreen, in the Bowlinggreen Police Court, and judgments may be given as well for the costs as the penalty.

Penalties to be sued for in Police Court.

By-laws to be recorded and published.

Subordinate officers appointment of.

SEC. 33. The Chairman and Trustees shall cause all the by-laws and ordinances passed by them, to be fairly recorded in the journal of their proceedings, and publish the same in some newspaper printed in said town. They shall have power to appoint all subordinate officers necessary to carry the provisions of this act into effect, such as Treasurer, police officers,

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overseers of the work house, and any other that may be required, and to qualify them for the faithful discharge of their several duties, and to require bond and security of them for the same. They shall have power to adopt the present by-laws and ordinances of said town, and to repeal, alter and amend, as to them shall seem best, and shall make and pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said town, not contrary to the laws and constitution of this State or of the United States.

SEC. 34. It shall be the duty of the Chairman to see that all the laws and ordinances of the town be duly executed, that the several officers of said town discharge their duties and report any delinquent to the Board; he shall have the care and superintendence of the public property of said town; shall superintend the market house, work house and prison, and perform such other duties as the Board of Trustees may think proper to impose on him as the chief executive officer of said town.

Duty of the Chairman.

SEC. 35. The Chairman may be compensated for his services by a salary, payable quarterly, out of the funds of the corporation, to be fixed by the Board of Trustees, exclusive of the Chairman; he may, with the advice and consent of a majority of the Trustees, remit any fine, penalty or forfeiture, incurred or imposed by any law or ordinance of the town, and discharge from the work house any person therein confined, but said remission of fine or discharge from imprisonment, shall be on condition of payment of costs, and if not made so conditional, said fees shall be paid from the town Treasury.

Salary of the Chairman.

He may remit fines, &c.

SEC. 36. The Marshal may, with the consent of the Trustees, appoint a deputy or deputies; he shall, by himself or deputy, attend all the sessions of the Chairman and Trustees, and of the Police Court, and preserve order, under his or their direction; he shall, by himself or deputy, execute all process emanating from the Bowlinggreen Police Court; he may be appointed town Collector; he shall, also, collect the fees of the Police Judge and Clerk, if required; he shall execute bond, with sufficient security, in an adequate penalty, before the Chairman and Trustees, to the Commonwealth of Kentucky, conditioned to faithfully discharge the duties of his office, and to pay over all sums of money that may come to his hands, to the persons entitled, and a lien shall exist on the land and slaves of said Marshal and his sureties, from the time of executing bond, for all sums of money that shall come into his hands; he shall be entitled to receive the same fees, for the like services, which Sheriffs are entitled to receive, and shall have the same power and duty within the town; he and his sureties shall be liable to judgment, by motion, in the Warren Circuit Court, in favor of any person or corporation entitled to money collected by said Marshal, or his deputy, in like manner as Sheriffs are liable; he shall collect the fees of the Clerk

Town Marshal, his powers, duties and liabilities.

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of the Police Court, when fee bills therefor are placed in his hands for collection, in like manner as is prescribed by law in relation to fees of Clerks of Circuit and County Courts, and he shall receive the same compensation for receiving, collecting and paying over said fees, which is allowed Sheriffs for like services, and shall be liable to motion in the Police Court, in case of delinquency or breach of official duty, in like manner as Sheriffs are in the Circuit Court.

**Police Court.** **SEC. 37.** *Be it further enacted,* That there shall be established in said town a court, to be styled the Bowlinggreen Police Court, which shall be held by one Judge, appointed and commissioned like other judicial officers of this Commonwealth, who shall receive for his services, (independent of his fees of office as provided herein,) a salary of two hundred dollars per annum, payable quarterly, out of the Public Treasury; said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and civil and criminal jurisdiction in all cases where, by the laws of this State, Justices of the Peace within the county of Warren are or shall be authorized to hear and determine, or in any manner to act; and as to committing criminal offenders and sending them on for trial, and admitting them to bail, said court shall have the power of two Justices of the Peace; and for contempts to his court, he shall have the same power and authority to punish, by fine and imprisonment, Circuit Courts have.

**Salary and jurisdiction of Police Judge.**

**Power of Police Court in opening streets.**

**Jurisdiction of Court in certain cases.**

**SEC. 38.** Said court shall, concurrently with the Warren Circuit Court, exercise the power and jurisdiction which is herein given in regard to the opening and extension of streets in said town.

**SEC. 39.** Said court shall have concurrent jurisdiction with the Warren Circuit, in prosecutions by indictment or presentment, for breaches of the peace, nuisances, and violations of the statutes against gaming, occurring in said town, and may cause a grand jury to be summoned to inquire into such of the offences cognizable in said court, as may be indictable or presentable, and proceedings shall be instituted and prosecuted in such cases, in the same way that proceedings are had in the Circuit Court in similar cases; and the verdicts and judgments in such cases shall be of the same character, and for the same amounts with those rendered in similar cases in the Circuit Court; but any person prosecuted to conviction or acquittal for a violation of the ordinances of the town, shall not afterwards be prosecuted by indictment or presentment for the same offence, and *vice versa*.

**Power over slaves hiring their time.**

**SEC. 40.** Said Police Court shall have authority, upon information that any slave or slaves, within said town, is or are hiring his or their own time, with the consent of their master or owner, to cause said slave or slaves to be confined at labor in the town work house, or upon the streets of said town, for three months: *Provided*, That the master or mistress, or hirer of such slave or slaves, shall first be summoned to show cause,

## LAWS OF KENTUCKY.

if any he or they can, why such slave or slaves should not be confined as aforesaid.

SEC. 41. The jurisdiction of the said Police Judge, shall extend to all cases of riots, routs, or unlawful assemblies within the county of Warren, as hereinafter provided. Whenever said Judge shall be advised, or receive information on oath, of any rout or unlawful assemblage of the people, for the purpose of gaming, or any unlawful purpose whatever, whether such unlawful assembly shall consist of freemen or slaves, or both, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the Sheriff or any Constable of said county, or to the Marshal of said town; and if no officer shall be at hand to serve said warrant, then to such discreet person as he (said Judge) shall appoint, returnable before some Justice of the Peace of the county: on which warrant, it shall be the duty of the officer, or the person, to arrest and to bring before the said Justice of the Peace of the county of Warren, all the persons who shall be found so assembled, to be dealt with by the Justice according to law; and it shall be the duty of the citizens of the town and county, to attend the officer, or other person, if they shall be thereunto summoned, to aid and assist in arresting the persons so violating the law.

SEC. 42. Said Police Court shall be holden at such place as the Chairman and Trustees shall designate, or they failing to designate a place, at such place as the Judge shall select; and the Judge shall have power to fix such time for the holding of his Court, as in his discretion, the cases coming before him for trial may seem to him to require. Said court shall be a court of record, and shall have a seal, which shall be provided by the Chairman and Trustees, and shall be in the custody of the Clerk of the Police Court, to be used and affixed by him as the seals of the Circuit Courts are.

SEC. 43. The Clerk of said Police Court, shall be appointed by the Judge of said court, and it shall be his duty to keep a record of the proceedings of said court; to issue all original process for bringing parties before the court, and issue executions and precepts on its judgments, and to perform all the duties which usually pertain to the office of Clerk of a court in this Commonwealth. He shall charge and receive the same fees which are allowed to the Clerk of the Warren Circuit Court, for like services; and when he shall perform services, for payment whereof no provision is made by law, he shall charge and receive such fees as shall be adjudged reasonable, and allowed by the Judge of his court, but shall not be permitted to charge fees against the said town, or against the Commonwealth, in cases in which the prosecutions in their favor may be unsuccessful.

SEC. 44. All penalties for the breaches of the ordinances and by-laws of the town, shall be sued for by warrant, in the name of the town, and be for its use. All fines in prosecutions in the name of the Commonwealth, in said court, shall

C. J. Helm  
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Further jurisdiction given to Police Court.

Police Court where held.

A Court of record.

Clerk of Police Court to be appointed, his duties, fees, &c.

Fines to be for the use of the jury fund, except \$200.

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Town to pay  
into the State  
Treasury \$200  
annually.

Persons fail-  
ing to pay fines  
to be confined  
in work house.

Judge of Po-  
lice Court may  
take deposi-  
tions, and his  
pay therefor.

Further pow-  
ers and duties  
of Police Judge,  
his fees, &c.

be for the use of the jury fund, except the sum of two hundred dollars, which shall be for the use of the town of Bowlinggreen; and in consideration of the amount so given, the town of Bowlinggreen shall annually pay into the public treasury of the State, in the month of December, the sum of two hundred dollars, and in default of payment, the town shall be liable to motion by the Auditor, as Sheriffs and other collecting officers are, for all offences against the penal laws of the State; process shall run in the name of the Commonwealth.

SEC. 45. All persons convicted of violating the ordinances and by-laws of the town, and who shall not pay the fines therefor, assessed against them, and the costs, shall be confined in the town work house, at labor, until the fines assessed against them, and the costs of prosecution, are discharged, at fifty cents per day. In prosecutions by indictment in the name of the Commonwealth, the same remedies for the collection of the fines assessed, shall exist as are provided by the general laws for prosecutions in the Circuit Court.

SEC. 46. The Judge of the Police Court shall have the same power and authority to examine witnesses under writs of *dedimus* from any court within this or any of the United States or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; but if he shall, in one day in the same suit, take more than one deposition, he shall receive but one dollar, unless the number of witnesses shall exceed four, and if it exceeds four, then he shall be entitled to receive two dollars, and no more, for any one day's taking depositions in the same suit, and at the instance of the same party. He shall also have power and authority to take depositions in said town, in all other cases where Justices of the Peace are now authorized to take the same: *Provided*, That said Judge, for the performance of such duties, and the exercise of such powers as come within the jurisdiction of Justices of the Peace, for Warren county, shall be entitled to demand and receive the same fees, and no more, that are allowed by law to Justices of the Peace, except the salary herein provided for; and he shall have the right to issue fee bills, and collect them in like manner as Justices of the Peace now have. All recognizances taken by the Judge of the Police Court, when day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Warren Circuit Court; and all recognizances except those above excepted, shall be returned to the Clerk of the said court, under the hand of the said Judge, and shall be docketed as recognizances taken and returned by magistrates. The said Judge, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witness, and shall return the statement of the evidence, and the recognizance, to the Clerk of the Warren Circuit Court.

SEC. 47. That whenever the fees of the Marshal and Clerk are discharged, by confinement in the work house or labor in the streets, they shall be paid out of the town Treasury.

SEC. 48. That the town of Bowlinggreen shall be allowed, out of the fines collected on prosecutions in the name of the Commonwealth, in the Police Court, where the same exceeds two hundred dollars, heretofore given to said town, to pay to the Clerk of the Police Court, as compensation for his services in criminal cases, thirty dollars.

SEC. 49. *Be it further enacted*, That the Chairman and Trustees may, by their petition to the Bowlinggreen Police Court, or to the Warren Circuit Court to that effect, extend the limits of said town, so as to include the whole or any part of land not now included in, or a part of said town, and which shall be within one half mile of the court house in said town, said half mile to be measured from the extreme point of said extension, to said court house, and said court shall, by their order, direct the town to be so extended and enlarged as to embrace the land which may be designated in said petition, not exceeding the limits aforesaid: *Provided however*, That before any order shall be made, extending the limits of said town, the owner or owners of the land so sought to be embraced in said town, shall first be summoned to appear, on a day to be fixed by said court, to show cause why said land should not be embraced in and constitute a part of said town; which summon shall be executed on such owner or owners, if in the county, if not, on his or their agent, if one is known; and on the return of the summons executed, or on the return of "no inhabitant and no known agent," and no one appearing, the court shall order the limits of the town to be so extended as prayed for in said petition; and if any one or more of said persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature, and the jury shall inquire into and assess the damages which such owner or owners may sustain by reason of said land being made a part of said town, and on the return of the writ executed, the court shall order the said land, thereafter, to constitute and be a part of said town, and shall order the Chairman and Trustees to pay the damage assessed: *Provided however*, That said Chairman and Trustees shall have the right, at any time before the final order or decree, to dismiss their petition, which shall not prevent their again instituting proceedings for embracing said land at any time after one year from said dismissal; and if they do not, in their petition, embrace the whole of said half mile, they may, under the provisions in this section, file their petition, from time to time, until the whole of said half mile from the court house shall be included in said town; and when any land shall thus, as herein provided for, be added to said town, the said Chairman and Trustees may, according to the provisions and under the conditions contain-

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Fees of Marshal, &amp;c.

Pay to Clerk for his services in criminal cases.

Bounds of the town may be extended.

Priviso directing the proceedings.

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ed in the seventh section of this act, cause streets and alleys to be opened and extended through said land, but they shall not have the right, without the written request of the owners, to cause said land to be laid off into town lots. The said land, when so added and embraced, shall be subject to taxation as the lots in said town now are or may hereafter be.

Pay of jurors  
in the Police  
Court.

SEC. 50. The Chairman and Trustees shall have power, whenever they deem it necessary, to pass an ordinance providing for the compensation of jurors in the Police Court. They may, once in each year, levy and collect a tax, to create a fund for that purpose, out of which each juror may be allowed and paid a sum not exceeding fifty cents for each day he shall have served; and in all cases tried by a jury in said court, if the defendant be found guilty, the sum of two dollars, in addition to the costs heretofore allowed, shall be taxed in the bill of costs, and collected by the Marshal, to be paid into the town Treasury.

The Election  
of Trustees in  
Burksville.

SEC. 51. *Be it further enacted*, That the election of Trustees for the town of Burksville shall take place on the first Monday in February instead of May, as heretofore.

Approved, January 21, 1843.

#### CHAPTER 40.

AN ACT to amend the law incorporating the town of Paducah, and for other purposes.

Chairman and  
Board of Trustees  
may issue  
and sell bonds.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Chairman and Board of Trustees of the town of Paducah, in McCracken county, be, and they are hereby, authorized to raise, by loan, any sum not exceeding ten thousand dollars; and said Chairman and Board of Trustees may issue the bonds of said town, in sums of fifty and one hundred dollars, and five hundred dollars each, bearing an intering on their face, of six per centum per annum, and payable half yearly on the first day of January and July in each year, and said bonds to be redeemable in any time not exceeding ten years from their date; and said Chairman and Board of Trustees of said town of Paducah, may sell and dispose of said bonds to any person or persons, or to any corporation; but said Chairman and Board of Trustees shall not sell any of said bonds for less than their par value.

Proceeds how  
applied.

SEC. 2. Said Chairman and Board of Trustees shall subscribe the money received by them on the sale of any of said bonds, for stock in the Paducah Dock Company; and the stock, so subscribed, shall belong to the town of Paducah, and all the profits from dividends derived from said stock, shall be, by said Chairman and Board of Trustees, applied to the payment of the principal and interest due on said bonds; and it shall be the duty of the Chairman and Board of Trustees of said town



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of Paducah, to lay, each year, such a tax on the real estate and lots in said town, as will be sufficient, with the profits and dividends on said stock, to pay all the interest as it becomes due on said bonds, and redeem the said bonds at the time they may respectively become due and payable.

SEC. 3. The Chairman and Board of Trustees of said town of Paducah may, at any time, order a sale of any real estate or lots in said town, for the payment of any tax by them laid, on any real estate and lots in said town; and it shall be the duty of the town Marshal of said town, to advertise, on the court house door in said town, the terms and place of sale of any such real estate or lots so ordered by said Chairman and Board of Trustees to be sold for the taxes due, at least thirty days before the day of sale; and also to give notice to the owner or his or her agent, if the owners or agent resides in said town, of the amount of tax due on such real estate or lots, and if the said tax shall not have been paid to said Marshal, on or before the day of sale, said Marshal shall proceed to sell such real estate or lot or lots, or so much or so many of them as will pay said town tax due on the same, and the costs of such sale, to the highest bidder for cash in hand: *Provided however*, All such sales shall be made at the court house door in said town, and on a court day, and the owner or owners of any such real estate or of any such lot or lots sold for taxes, shall have the right to redeem the same at any time within two years from the time of sale, by paying to the purchaser or purchasers, the amount bid by him or them at the sale, with interest at the rate of twenty five per cent. per annum; and if any such real estate, or any such lot or lots, so sold for the taxes due on them, shall not have been redeemed within two years from the time of the sale as aforesaid, the Chairman and Board of Trustees of said town shall convey, by deed, to the purchaser or purchasers, all the right, title and interest of the owner or owners of such real estate or lot or lots, as may have been by them ordered to be sold, and actually sold by the Marshal, and which have not been redeemed as provided by this act.

May sell real estate for taxes.

Duty of town Marshal.

Owners shall have the right to redeem.

SEC. 4. The bonds that may be issued and sold under the provisions of this act shall be transferable, by assignment in writing on the back of the same, in any meeting of the Board of Trustees, and not otherwise; and it shall be the duty of the Chairman and Board of Trustees to keep a list of all bonds by them issued and sold, the date, amount, time when payable, and to whom sold, and the amount received for such bonds sold, and of the various transfers that may be made of said bonds by assignment.

Bond may be assigned and list to be taken.

SEC. 5. The profits derived from the dividends on the stock owned by said town; in said Dock Company, after the payment and redemption of all the bonds sold by said Chairman and Board of Trustees, shall be applied and expended by the Chairman and Board of Trustees of said town, in construct-

After bonds are redeemed, how surplus to be applied.

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ing a wharf or wharfs, in front of said town of Paducah, and such other objects of permanent improvement as they may determine.

Commissioner's  
to open books  
for sale of stock.

Sec. 6. That it shall be the duty of George Woolfolk, Braxton Small, James B. Husbands, Gustavus A. Flournoy, and Francis A. Harrison, or any two of them, to open a book, on or before the first Monday in April next, at Paducah, for subscription to sale of stock in the Paducah Dock Company, incorporated by an act of the General Assembly of this Commonwealth, and approved, January seventeenth, one thousand eight hundred and thirty five.

Approved, January 23, 1843.

#### CHAPTER 41.

AN ACT to amend an act concerning the town of Russellville, and for other purposes.

Chairman and  
Trustees may  
have the alleys  
and side walks  
paved, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Chairman and Board of Trustees for the town of Russellville, shall have full power and authority to cause any or all of the alleys or side walks in said town to be graded, paved, and curbed, at the costs and expense of the owners of the property fronting or adjoining said side walk or alley, without the consent of said owner or owners; and whenever a majority of said Board, by resolution, shall order said work to be done, the owner or owners of said property shall go on to complete the same, in such manner and at such time as said Board shall designate, and upon failure or refusal of said owner or owners, to finish said work as ordered by said Board as aforesaid, it shall be the duty of said Board, and they are fully empowered to have said work completed. The said Chairman and Board of Trustees shall hold a lien upon such ground and appurtenances as fronts the pavements or adjoins the alleys ordered to be made by them for the payment of such improvements; they shall have power to order the collection of the same by the sale of such ground and appurtenances, or so much thereof as will satisfy the claim, with costs, subject to be redeemed in two years, with interest at the rate of twenty five per cent. per annum, paid to the purchaser or his executors, administrators or assigns, by the original owner or assigns: *Provided*, That infants shall have two years after they arrive at twenty one years of age, on like terms, to redeem said ground, &c.: *And provided further*, That before said Trustees shall go on themselves to complete said work, or after they have completed it, before they proceed to sell the same, that the owner or owners of said property, or in case of his death, his executors, administrators and heirs, shall have at least ten days' notice of the same, by advertising the same by written advertisement, upon the court

May hold a  
lien for same.

May sell lots  
to pay for same.

Lots may be  
redeemed.

house door in said town, or by having it advertised at least twice, in one of the papers which may be published in said town, unless the owner or owners of said property should be a non-resident, and in that event it shall be the duty of the Board to publish the same at least four weeks, successively, in one of said town papers.

SEC. 2. *Be it further enacted*, That when a majority of the owners of the ground residing upon any street, alley, or side walk, shall petition to the Chairman and Board of Trustees, to pave, grade or turnpike any street or alley or side walk, or when the owner or owners of the most of the ground fronting on such street or alley, fronting said property to the extent of any one or more of the squares in said town, and shall, in like manner, petition, or shall go on to finish the one half of the street, it shall be the duty of said Board, and they are fully empowered to go on and pave, grade or McAdamize said street to the extent of any such square; and upon the owner or owners of property, on said square, fronting said street as aforesaid, failing to pay the one half of said expense, the said Chairman and Board of Trustees are authorized and empowered to sell the ground or property of any such person so failing or refusing, subject to the like redemption as is reserved in the first section of this amendment.

SEC. 3. *Be it further enacted*, That if any person owning property in said town, shall grade and McAdamize any street or streets, or any part thereof, which may be fronting or adjoining his or her property, that the person or persons so McAdamizing said street, shall be exempt from taxation by said Board, and they shall have no power or authority whatever, to compel said persons to pay tax until the value of said work, or the amount of money he may have expended thereon, shall be taken up or exhausted in the way of his annual taxes; and if the said Board and said person or persons cannot agree as to the value of said work, it shall be the duty of said Board to appoint two disinterested persons, acquainted with such business, and said person or persons who performed said work, one person, whose duty it shall be to value said work, and report the same to said Board, by whose report, or by the report of the majority of whom, the said parties shall be governed.

SEC. 4. *Be it further enacted*, That the above act, and all acts, amendments, or parts of acts, enacted for the town of Russellville, and the government thereof, shall be in force in the towns of Adairville and Keysburg, in Logan county, and the power to enforce their by-laws, shall be vested in any Justice of the Peace, who shall reside in or within three miles of said towns of Adairville and Keysburg.

SEC. 5. But if any owner of any lot shall prefer to have the proportion of graduating, paving, or turnpiking, opposite his lot, done by himself, he shall have the right to do so and make his own bargains therefor.

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Majority of the owners of property, on any street petitioning Trustees shall pave the balance.

Owners of lots paving or grading in front of their property, shall not pay tax for a certain time.

Applicable to Adairville & Keysburg.

Approved, January 22, 1843.

## CHAPTER 44.

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AN ACT to change the place of holding the Straight creek election precinct, in Harlan county, and for other purposes.

Harlan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, instead of holding the election on Straight creek, at the Straight creek precinct, in Harlan county, as now prescribed by law, that it shall in future be held at the house of Jefferson Percifull, above the mouth of Straight creek, on Cumberland river, under the same regulations that were enacted in establishing the said election precinct on Straight creek.

Hardin.

SEC. 2. That an election precinct be established in Hardin county, to be held at the house of Thomas Edlen, in said county.

Pulaski.

SEC. 3. That the Harrison election precinct, in the county of Pulaski, be held in future at the house of Seaton Lee.

Carter.

SEC. 4. That the election precinct in Carter county, now held at the house of G. W. Kouns, be changed to the house of James Lampton, on the State road, in said county.

Christian.

SEC. 5. That the election precinct in Christian county, held at the house of James Hoskins, be and the same is hereby, removed to Fruithill, in said county.

Whitley.

SEC. 6. That an election precinct, be, and is hereby, established at the house of — Maden, in the county of Whitley, known and called the Tye place, to be known by the name of the South America precinct.

Casey.

SEC. 7. *Be it further enacted*, That the act of the General Assembly, abolishing the South fork election precinct, in the county of Casey, be, and the same is hereby, repealed, and the act establishing the same, is hereby revived and continued in force.

Rockcastle.

SEC. 8. *Be it further enacted*, That there is hereby established an election precinct at Nathaniel M'Clure's, in Rockcastle county.

Breathitt.

SEC. 9. *Be it further enacted*, That the election precinct held at the house of George Allen, in Breathitt county, be, and the same is hereby, changed to the house of William Howard, Sr., in said county.

Ohio.

SEC. 10. That an election precinct be, and is hereby, established, at the house of Simeon Wilson, in the south east corner of Ohio county.

Hickman.

SEC. 11. That an election precinct be established in Hickman county, to be holden at the house of Sebern Wheeler.

Approved, January 23, 1843.

## CHAPTER 45.

AN ACT to change the venue in the case of James McLaughlin, of the City of Louisville, charged with murder.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a change of venue is granted to

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James M'Laughlin, for the trial of an indictment for the murder of one Martin Patten, now pending against said James M'Laughlin, in the Jefferson Circuit Court, upon the election and consent of the said James M'Laughlin, on the calling of said indictment at the January term of the Jefferson Circuit Court, being entered upon the records of the Jefferson Circuit Court, that he prefers to be tried on said indictment in the Circuit Court of Shelby county.

SEC. 2. When the said James M'Laughlin shall have made his election to be tried in the Shelby Circuit Court, then, and in that event, it shall be the duty of the Judge of the Jefferson Circuit Court to make all the necessary orders, and do all things necessary to secure the appearance and trial of the said James M'Laughlin, on said indictment, in the Shelby Circuit Court.

SEC. 3. That when the indictment in this case shall have been removed from the Jefferson to the Shelby Circuit Court, and the prisoner committed to the Jail of Shelby county, or recognized to appear at the said Shelby Circuit Court, should he be admitted to bail, then the said Shelby Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment, as though the same had been found originally in said court, and the offence charged had been there committed; as also to require the attendance of witnesses, and to renew their recognizances, and to do any and all other things requisite to insure a fair, impartial and speedy trial on said indictment of said James M'Laughlin.

SEC. 4. It shall be the duty of the Judge of the Jefferson Circuit Court, to recognize all the witnesses of the Commonwealth, to appear at the same time in the Shelby Circuit Court, to testify against said James M'Laughlin, and for that purpose, to cause all such witnesses to be brought into the Jefferson Circuit Court, and recognized to appear and testify in the Shelby Circuit Court, on said indictment; and said court shall also have the power and jurisdiction to recognize all witnesses of the said M'Laughlin, to appear at the same time in the Shelby Circuit Court, to testify in behalf of said M'Laughlin, and to cause his witnesses to be brought into court and recognized as aforesaid.

SEC. 5. It shall be the duty of the Clerk of the Jefferson Circuit Court, so soon as the election of said M'Laughlin is entered of record, to transmit to the Clerk of the Shelby Circuit Court, the indictment and recognizances, and a copy of all orders and entries which shall have been made in the cause. The recognizances of witnesses shall be to the first day of the Shelby Circuit Court, to be held after said election shall have been made, at which time it shall be the duty of the witnesses to attend, and not to depart without leave of said Shelby Circuit Court.

Approved, January 23, 1843.

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## CHAPTER 47.

AN ACT to incorporate the Trustees of the United Baptist Church of Hopkinsville.

Body corporate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John P. Campbell, John Buckner, A. Webber, James Ware and A. Palmer, be, and they are hereby, constituted a body politic and corporate, to be known by the name and style of the Trustees of the Hopkinsville United Baptist Church, and by that name, shall have perpetual succession and a common seal; and that said Trustees shall have power, on the death, resignation, removal, or other disqualification of any of the Trustees, or their successors, a majority of those remaining shall fill such vacancy, and should all of said Trustees, or their successors, either by death, resignation, removal or otherwise, vacate their office, then, and in that case, a majority of the members of said church, at the time of such vacancy, shall proceed to fill the same, and the person or persons so appointed, shall be vested with power and authority, as if named specially in this act, and by the name and style of the Trustees of the Hopkinsville United Baptist Church, may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

Corporate powers.

May convey real estate.

SEC. 2. That the above named Trustees, or their successors, be, and they are hereby, vested with full power to sell and convey the present lot of ground, with the appurtenances belonging to said church in said town, and that they be required to pay over the proceeds of said sale towards the erection of a new house of worship in said town of Hopkinsville, or for other purposes, under the direction of said church, for the use and benefit thereof.

May purchase another lot.

SEC. 3. That said Trustees and their successors shall have power and authority to purchase a suitable lot or lots of ground, not exceeding ten acres, for a burial ground and the erection of a building for public worship, and Sunday School, to receive conveyances, by deed, therefor, which shall be subject to the regulations and provisions as deeds of conveyance are now subject to by the laws of this Commonwealth.

SEC. 4. The General Assembly reserves the right to amend or repeal this act at pleasure.

Approved, January 23, 1843.

## CHAPTER 48.

AN ACT for the benefit of Maurice Moore, of Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Maurice Moore, of Muhlenburg county, be, and he is hereby, authorized to build a dam and fish trap on Pond river, near his residence, the dam not to be more than two and a half feet high: *Provided*, That said Moore, before

erecting said dam and trap, shall, in the County Court of Muhlenburg county, execute bond with security, payable to the Commonwealth, the penalty of which to be fixed by said court, conditioned that he will pay all damages which may result to any person navigating said river, in consequence of the erection of said dam: *And provided also*, That the County Court of Muhlenburg is hereby required, when satisfactory information is given to said court, that said dam tends to obstruct the navigation of said stream, to cause said Moore to remove said dam, within thirty days after notice to that effect.

Approved, January 23, 1843.

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CHAPTER 49.

AN ACT to reduce the number of Justices of the Peace in Calloway and Daviess counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter there shall not be any recommendation or appointment of a Justice of the Peace for Calloway county, until the number in commission shall be reduced to twelve, and thereafter the number shall be thirteen. That hereafter there shall not be any recommendation or appointment of a Justice of the Peace for Daviess county, until the number in commission be reduced to ten, and thereafter the number shall be eleven.

Approved, January 23, 1843.

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CHAPTER 51.

AN ACT allowing an additional Constable in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Henry county may appoint an additional Constable, who shall reside in Pleasureville or its vicinity: *Provided*, That such appointment shall not be made unless a petition to that effect, signed by a majority of the male housekeepers living within five miles of said town, and duly certified, shall be presented to the court within three months from the passage of this act.

Approved, January 23, 1843.

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CHAPTER 52.

AN ACT to authorize the County Court of Pendleton county to change the location of a State road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Pendleton county shall have the same right, power and authority to amend, alter

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and change the road leading from Colemansville, in Harrison county, to Covington, in Kenton county, which they have to amend, alter and change the county roads, and be governed by the same rules and regulations, by which they are governed as to county roads: *Provided*, That said County Court shall not so change said road so as not to intersect the same at the county line.

Approved, January 23, 1843.

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#### CHAPTER 53.

AN ACT allowing an additional Justice of the Peace to the county of Adair, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Adair, an additional Justice of the Peace, to reside in the immediate neighborhood of Asa Rogers, on Adams creek.

SEC. 2. *Be it further enacted*, That the Constable's district in which Austin B. Tatum now resides, be extended so as to include the town of Columbia, in Adair county.

Approved, January 23, 1843.

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#### CHAPTER 54.

AN ACT to allow to Hickman county one additional Constable, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Hickman, one additional Constable, to reside in the town of Columbus.

SEC. 2. *Be it further enacted*, That the Constable's district in the county of Russell, in which William Lucas, Jr. now acts as Constable, shall be, and the same is so extended as to include the residence of William Lucas, Sr., in Jamestown.

Approved, January 23, 1843.

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#### CHAPTER 55.

AN ACT authorizing the County Courts of Morgan, Floyd and Pike to make changes in the State road in said counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Courts of Floyd, Morgan, and Pike, to grant changes in the State road leading from Mountsterling to the Virginia line, by way of Prestonsburg, on the application of any individual applying for the same: *Provided*, A majority of all the Justices are present and concur in the same: *Provided*, That they shall



be governed by the same laws which govern County Courts in changing county roads.

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Approved, January 27, 1843.

CHAPTER 56.

AN ACT to reduce the number of Constables in the county of Trimble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the second Monday in March next, there shall be but three Constables in the county of Trimble.

Number of Constables.

SEC. 2. That on the said second Monday in March next, a majority of all the Justices of the Peace for said county being present and concurring therein, shall proceed to elect some suitable person as Constable in each district, one to reside in the town of Bedford, whose district shall not extend further than the limits of said town; and the second district shall be composed of all that portion of said county lying on the west side of the road leading from Morris' ferry, on the Ohio river, through the town of Bedford; thence with the Louisville road to the county line, near Pleasant ridge meeting house, in said county. The third district shall be composed of all that part of said county lying east of said road.

Districts.

SEC. 3. That no person shall be eligible to the office of Constable, unless he actually reside in the district for which he is elected, at the time of his election.

Shall reside in the district.

SEC. 4. That if any person so appointed, shall move out of his district, shall, *ipso facto*, forfeit his office, and the County Court, at their next term, proceed to appoint a suitable person to fill his place.

Removing from district shall vacate office.

SEC. 5. That all laws and parts of laws coming in the purview of this act, be, and the same are hereby, repealed, so far as the same relates to the county of Trimble. This act shall take effect from and after the Saturday preceding the second Monday in March next.

When to take effect.

Approved, January 27, 1843.

CHAPTER 58.

AN ACT for the benefit of James K. Gallion, former Sheriff of Whitley county.

WHEREAS, James K. Gallion, late Sheriff of Whitley county, failed to pay his revenue in the time prescribed by law, for the year 1840, and judgment has been rendered against him for the amount, and damages; the amount of the revenue has since been paid: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the amount of the damages assessed, be,

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and the same are hereby, released, upon the said Gallion paying into the General Court the amount of the costs incurred by the Commonwealth.

Approved, January 27, 1843.

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CHAPTER 59.

AN ACT allowing Hiram Kendly a change of venue.

WHEREAS, it is represented to the present General Assembly, that Hiram Kendley stands indicted and charged, before the Boyle Circuit Court, upon several indictments, for importing slaves into this Commonwealth, contrary to the provisions of the act of Assembly passed in 1833; and that owing to the prejudice and untimely influence of many of the citizens of said county, he cannot have a fair trial before a jury of said county: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Kendly to appear in the Boyle Circuit Court on the first day of the next term thereof, and make his election to be tried in the Lincoln Circuit Court, which election shall be noted on record; and thereupon the Boyle Circuit Court shall recognize the said Kendly to appear on the first day of the next ensuing term of the Lincoln Circuit Court, to answer said indictments; and upon said indictments and such other proceedings as may have been had thereon, being certified to the Lincoln Circuit Court, the said Lincoln Circuit Court shall take cognizance of said indictments, and every thing incident or appertaining thereto, in the same manner as if the offences for which said Kendly is indicted, had been committed in the county of Lincoln, and shall, in case he be found guilty, enter judgment and cause execution thereof, or grant new trials agreeably to law and the justice of the cases, as though said indictments had originated in Lincoln county; and all the officers of the Lincoln Circuit Court shall perform all the duties pertaining to their respective offices, in relation to said indictments; and the Judge of the Boyle Circuit Court shall, in case the said Kendly makes his election as herein provided, recognize the witnesses on the part of the Commonwealth, to appear in the Lincoln Circuit Court; and the last mentioned court shall proceed upon all such recognizances, in the same manner as if entered into in that court; and in case said indictment shall be found defective, and shall be quashed or the judgment arrested, said Kendly shall not, for that cause, be discharged, but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and new indictments found, if the evidence will warrant it, and the defendant shall be tried thereon in the same manner as if the offences had been committed in the county of Lincoln.

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SEC. 2. The Clerk of the Boyle Circuit Court, upon the election of said Kendly being made as herein provided, shall transmit, by the Sheriff of Boyle county, to the Clerk of the Lincoln Circuit Court, the indictments, writs and other papers, with a transcript of all orders made in the cases; and said Sheriff shall take a receipt from said Clerk of the Lincoln Circuit Court therefor, and shall perform such duty without delay, after the delivery to him of said papers, and shall be allowed six cents per mile in going to and returning from said county of Lincoln, to be paid out of the Public Treasury, upon the certificate of the Clerk of the Circuit Court of Boyle county, that said services have been performed.

SEC. 3. That if the Clerk or Sheriff of Boyle Circuit Court shall fail to comply with all or any part of the duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice, and rule of court to that effect, in the Boyle Circuit Court, in favor of the Commonwealth, which fine or fines, sum or sums, shall be applied as other fines are now applied by law of a like nature.

SEC. 4. That the Clerk of the Lincoln Circuit Court shall be, and is hereby, authorized to issue *venire facias*, subpoenas, and all other process, as though the said prosecutions had been commenced in his own county.

SEC. 5. That the witnesses attending the Lincoln Circuit Court, in consequence of this change of venue, shall be allowed the same pay per day, and for mileage, as other witnesses going out of their county under legal process.

Approved, January 27, 1843.

#### CHAPTER 60.

AN ACT to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioner appointed by the County Court of Wayne county, for selling certificates of warrants for vacant land, shall receive no more than three dollars per hundred acres.

SEC. 2. *Be it further enacted*, That the Surveyor of Wayne county shall not receive more than two thirds of the sum now received by him, as authorized by law, for his services as Surveyor of said county.

Approved, January 27, 1843.

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## CHAPTER 62.

AN ACT to change the name of Thomas Sparks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Thomas Sparks, of Adair county, be changed to that of Thomas Gilmer Walker.

Approved, January 27, 1843.

## CHAPTER 63.

AN ACT allowing an additional Justice of the Peace to the county of Wayne.

**WHEREAS,** a Justice of the Peace is much needed on Big Sinking creek, in Wayne county—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace be allowed to the county of Wayne.

Approved, January 27, 1843.

## CHAPTER 66.

AN ACT to amend the law of last session in relation to the county levy of Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, the Sheriff of Hopkins county shall have until the first day of January, in each year, to settle the county levies of said county, and pay the county creditors.

Approved, January 27, 1843.

## CHAPTER 67.

AN ACT to reduce the number of Justices in the county of Trimble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be no more Justices of the Peace appointed for the county of Trimble until the number be reduced to seven.

Approved, January 27, 1843.

## CHAPTER 68.

AN ACT to incorporate the Trustees of the Beech Grove Meeting house and School house, in Monroe county.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John B. Gee, Robert C. Maxey, Samuel B. Wilson, William Andrews, Hugh Kirkpatrick and P. H. Lesley, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the

Corporators.

Beech Grove Meeting house and School house, in Monroe county; and by that name shall have perpetual succession, and a common seal; and the said Trustees shall have power, on the death, resignation, removal or other disqualification, of any of the Trustees or their successors, a majority of those remaining concurring, to fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with power and authority, as if named specially in this act, and by the name and style of the Trustees of the Beech Grove Meeting house and School house, may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

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Corporate powers.

SEC. 2. That said Trustees, and their successors, shall have power and authority to purchase a suitable lot or lots of ground, not exceeding five acres, for the purpose of furnishing fire wood, and timber for the repair of said Meeting house and School house; to receive a conveyance or conveyances by deed therefor, which shall be subject to the regulations and provisions which deeds are now subject to by the laws of this Commonwealth.

May purchase a lot and receive a conveyance.

Approved, January 27, 1843.

#### CHAPTER 70.

AN ACT to amend the charter of the Crab Orchard and Cumberland Gap Turnpike road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons engaged in the transportation of the United States mail, over the Crab Orchard and Cumberland Gap Turnpike road, shall, at the gates on said road, as well as at the gate on the Madison fork of said road, pay the like toll of other passengers, and a residence in the county or counties in which the gate or gates are situated, shall not exempt them from the payment of toll.

Approved, January 27, 1843.

#### CHAPTER 71.

AN ACT to incorporate the Working Men's Association of Newport.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James M. McArthur, Robert D. Hayman, James M. Huffmaster, Frederick A. Miller, and John F. Boyd, of Newport, and their associates and successors, be, and they are hereby, incorporated, under the name and style of the Working Men's Association, and are hereby invested with full power and authority, to acquire, hold, and convey property, real and personal, to sue and be sued, plead and be impleaded, answer and be answered unto, form a con-

Corporators.

Corporate powers.

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Objects of incorporation.

stitution and by-laws, devise and use a common seal, and do all other necessary acts, not incompatible with the laws and constitution of this State or of the United States.

SEC. 2. *Be it further enacted*, That the objects of this incorporation shall be for the purpose of erecting buildings and making improvements in the town of Newport, and no part of its property or funds shall be used for the purpose of banking, nor shall the said company exercise any of the privileges thereof.

SEC. 3. *Be it further enacted*, That this act shall be regarded as public, and subject to amendment or repeal at the will of the General Assembly.

Approved, January 27, 1843.

#### CHAPTER 72.

AN ACT for the benefit of Silas and Elizabeth Hedges.

WHEREAS, Silas Hedges, of the county of Bourbon, by deed of mortgage, conveyed to Reuben Hutchcraft and Peter Hedges, a tract of land lying in said county, on the waters of Stoner, containing about four hundred and sixty acres, for the purpose of having it sold and the proceeds applied to the payment of his debts. And whereas, the wife of said Hedges is under the age of twenty one years, and will not arrive at that age until January, 1845, and it being represented to this General Assembly that it would contribute very much to the advantage of all the parties concerned, to have a clear title made to the aforesaid tract of land whenever it may be sold: Therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Elizabeth Hedges be, and she is hereby, made able and capable in law, to relinquish all her right of dower in and to the aforesaid tract of land, under the laws now in force, as any person can now do, who is of lawful age, and that she is hereby declared fully competent, in law, to do and perform all and every act which is required of a *feme covert*, who is of lawful age, in the relinquishment of their rights of dower.

Approved, January 27, 1843.

#### CHAPTER 73.

AN ACT for the benefit of the creditors and heirs of James Coons.

WHEREAS, it is represented to this General Assembly, that James Coons, of Bourbon county, departed this life intestate, and that his slaves and personal estate are not sufficient to pay his debts; and whereas, it is represented, that to postpone a

sale of his lands until a decree of the proper court could be rendered, would be material injury to the creditors as well as the heirs—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Judge of the tenth judicial district, on the presentation of the proper bill to him, by the administrators of said Coons, for a sale of his lands, and distribution of the proceeds among his creditors according to the law now existing, shall have the same power, in vacation, to direct a sale of the lands of said Coons, or so much as may be necessary, as he now has under the existing law, in term time; and such order shall be endorsed on the bill, and directed to the Clerk of the Bourbon Circuit Court, who shall file said bill, and all future proceedings thereon be had as if such order of sale had been made in open court.

Approved, January 27, 1843.

#### CHAPTER 75.

##### AN ACT for the benefit of certain Sheriffs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Elias Darnall, Sheriff of Bourbon county; Elisha Cobb, Sheriff of Owen county; O. M. DeCourcy, Sheriff of Campbell county; John Waits, Sheriff of Harrison county; David Duncan, Sheriff of Wayne county; Richard C. Taylor, Sheriff of Cumberland county; James Sparks, Sheriff of Harlan county; James L. Moore, Sheriff of Butler county; James G. Arnold, Sheriff of Kenton county; Wesley Porter, Sheriff of Grant county; Robert J. King, Sheriff of Trimble county; and James Jamison, Sheriff of Barren county, shall have until the first day of June next, to pay into the Treasury the balance of the revenue tax due from their respective counties, and for which the said Sheriffs have not accounted; and the Second Auditor shall receive and credit the delinquent lists of said Sheriffs, in the same manner as if returned at the time now required by law: *Provided,* That the above named Sheriffs shall, at the March or April court of their respective counties, appear in court with their securities, and enter on the record of said court, their assent to the extension of the time for the payment of the balance of the revenue due by such Sheriff. But if either of the above named Sheriffs shall fail to appear in the County Court, as aforesaid, and have the consent of their securities entered for the indulgence hereby granted, such Sheriff shall be liable for the damages now allowed by law, for failing to pay into the Treasury the revenue due by them.

Bourbon.  
Owen.  
Campbell.  
Harrison.  
Wayne.  
Cumberland.  
Harlan.  
Butler.  
Kenton.  
Grant.  
Trimble.  
Barren.

Approved, February 1, 1843.

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## CHAPTER 76.

AN ACT to change the places of voting in election precincts in Graves and Jefferson counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting at the house of Jack Carter, in the county of Graves, shall be changed to the house of Jesse Riches, in said county, and all elections to be held at said precinct, shall be governed by the general laws of this Commonwealth upon the subject of elections.

SEC. 2. *Be it further enacted*, That hereafter, the place of holding elections in the Jeffersontown precinct, in Jefferson county, shall be held at the house now occupied by Samuel Hart.

Approved, February 1, 1843.

## CHAPTER 77.

AN ACT for the benefit of William R. Payne, administrator of Edward Payne, deceased, late Sheriff of Christian county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts be, and he is hereby, authorized and required to receive the delinquent list of Edward Payne, deceased, late Sheriff of Christian county, for the year 1840; and he is also authorized and required to issue his warrant on the Treasurer in favor of William R. Payne, administrator of the said Edward Payne, deceased, for the sum of twenty dollars and seventeen cents, the amount due on said delinquent list, payable out of any money not otherwise appropriated.

Approved, February 1, 1843.

## CHAPTER 78.

AN ACT granting a change of venue to William Durmitt.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the calling of the indictment, depending in the Lewis Circuit Court, against William Durmitt, for cutting or stabbing one John W. M'Dowell, with a knife, at the next term of said court, the said Durmitt may, in open court, elect to be tried thereon, in the Carter Circuit Court, which election shall be entered of record by the Lewis Circuit Court; and the said Lewis Circuit Court, shall, thereupon, recognize the said Durmitt, by reasonable surety or sureties, to appear before the Carter Circuit Court, on the first day of their next succeeding term, to answer to said charge, or in case of his failure to give such recognizance, said court shall commit the said Durmitt to the Jail of Carter county, to abide his trial, or until discharged by due course of law. The Lewis



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Circuit Court shall, also, at the same term, recognize the witnesses on the part of the Commonwealth, in said cause, to appear before the Carter Circuit Court, to abide the order of said court, and testify in said cause.

**SEC. 2.** *Be it further enacted,* That upon the election of the said Durmitt so being made, the Clerk of the Lewis Circuit Court shall, forthwith, transmit to the Clerk of the Carter Circuit Court, a true, full and complete copy of the record of said cause, together with all original papers therein and thereunto appertaining.

**SEC. 3.** *Be it further enacted,* That upon the election of said Durmitt so being made to be tried, all jurisdiction over said crime, on said alledged offence, shall be transferred from the Lewis to the Carter Circuit Court, and the latter court shall have as full jurisdiction, to all intents and purposes therein, as if said alledged offence had been committed in Carter county. And if, from any cause, said papers, with a copy of said records, should not be transmitted to the Clerk of the Carter Circuit Court, or if said Durmitt should not be tried on said indictment, he shall have no advantage thereby, but shall be subject to prosecution by new indictment, for said alledged offence, in the said Carter Circuit Court, in the same manner, subject to the same rules of law that he would have been, if said alledged offence had been committed in Carter county: *Provided,* That if said indictment shall be adjudged insufficient by the Carter Circuit Court, the said Durmitt shall receive no advantage therefrom, but shall remain subject to immediate prosecution by indictment; and the said Carter Circuit Court shall proceed to trial, judgment and execution, in all respects, either upon said indictment, or a new indictment, so to be found, in the same manner, and under the same regulation that it should have done if the original charge had been presented to said court, and the alledged offence had been committed in Carter county: *And provided further,* That the said Durmitt shall not be entitled to any advantage in evading the consequences of said alledged offence, because of any continuance of said prosecution arising out of this act.

**SEC. 4.** *Be it further enacted,* That the Carter Circuit Court, upon the election of said Durmitt so to be tried therein, shall have the same power to enforce the attendance of witnesses for both parties, and over all its officers, that it would have had in case the charge had originally been presented to it by a grand jury for Carter county, and the alledged offence had been committed in Carter county.

**SEC. 5.** *Be it further enacted,* That the election of said Durmitt being so made and entered of record, shall be held as evidence of his consent to all the provisions of this act.

**SEC. 6.** *Be it further enacted,* That the Carter Circuit Court shall have full and complete power to enforce forfeitures of the recognizances taken in the Lewis Circuit Court, and proceed thereon, in case said Durmitt, or any of the witnesses

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shall fail to attend, as though said recognizances had been taken in the Carter Circuit Court.

Approved, February 1, 1843.

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CHAPTER 79.

AN ACT to authorize the First Baptist Church in Danville to sell and convey three-fourths of an acre of land in said town.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John J. Millikin, Walker Doores and Duff Green, be, and they are hereby, authorized to sell and convey three-fourths of an acre of land in the town of Danville, the property of the First Baptist Church of said town, and a deed of conveyance, executed by them, and acknowledged before the Clerk of the County Court of Boyle county, shall pass all the title, now vested in the Trustees of said First Baptist Church, in the purchaser or purchasers.

Sec. 2. *Be it further enacted*, That any covenant of warranty contained in the deed of conveyance authorized to be executed by the first section of this act, shall bind the Trustees of said church and their successors, and if broken, suit may be instituted and recovery had thereon, as in other cases of breach of covenant of warranty: *Provided*, That nothing in this act contained, shall be construed to bind said Trustees and their successors as individuals, or make them or their executors, administrators or heirs, personally responsible for any breach of warranty contained in said deed of conveyance.

Approved, February 1, 1843.

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CHAPTER 80.

AN ACT for the benefit of Thomas S. Burton, of Allen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Burton, of Allen county, guardian of his nephew, Thomas S. Burton, be, and he is hereby, authorized to pay over to his aforesaid ward, the sum of one thousand dollars of the principal in his hands, as guardian aforesaid; which said payment, when made to the aforesaid Thomas S., by his aforesaid guardian, shall, to all intents and purposes, be as effectual and valid as though the said Thomas S. had attained twenty one years of age.

Approved, February 3, 1843.

## CHAPTER 81.

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AN ACT to incorporate the Ohio and Muhlenburg Iron Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Aylett H. Buckner and such other persons as may become associated with him, their successors and assigns, be, and they are hereby, created a body corporate, by the name of the "Ohio and Muhlenburg Iron Manufacturing Company," for the purpose of making, manufacturing, and trading in Iron, in all its branches; their iron works to be erected in the counties of Ohio and Muhlenburg, or either of them; and for this purpose, they shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided, respecting such corporations, in and by an act entitled, "an act to establish a general law concerning manufacturing corporations," approved, February 15, 1841. Said corporation may hold real estate, within said counties, not exceeding one hundred thousand dollars, and their capital stock shall not exceed two hundred thousand dollars.

Approved, February 3, 1843.

## CHAPTER 82.

AN ACT for the benefit of Henry S. Powers, late Sheriff of Fleming county

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts issue to Henry S. Powers, late Sheriff of Fleming county, a warrant on the Treasury for two hundred and seventy eight dollars and fifty cents, which warrant shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 3, 1843.

## CHAPTER 83.

AN ACT for the benefit of the Sheriff of Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Henry county shall have further time, until the 15th day of June next, to return his delinquent list of revenue and county levy, for the year 1842, and to pay into the Treasury the balance of revenue for the same year: *Provided*, That the securities of said Sheriff shall give their assent to said indulgence; such consent to be made before the Clerk of the Henry County Court, a certified copy of which to be filed with the Auditor of Public Accounts, on or before the first day of March next.

Approved, February 3, 1843.

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## CHAPTER 84.

AN ACT to establish an election precinct in Breckinridge county, and for other purposes.

Precinct in  
Breckinridge.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Breckinridge county within the following bounds: beginning on the Ohio river, at the mouth of Lick run, thence with Lick run to where the road from Stephensport to Benedict Byrnes' crosses said run; thence with said road to Byrnes'; thence to Henry D. Basham's, not to include him; thence to Henry Claycomb's old place, near Yellow Bank creek, called Turkey Point; thence with Yellow Bank creek to where the road from Stephensport to Brandenburg crosses the head of said creek, at the end of John Frymire's lane; thence with said road to the Meade county line; thence with the Meade county line to Flint Island; thence down the Ohio river to the beginning, shall constitute an election precinct in the said county of Breckinridge, and the qualified voters in said precinct may vote, in all legal elections, at the house of Thomas McGills, near Yellow Bank creek; the precinct to be called and known by the name of the Flint Island precinct: *Provided*, That it shall be lawful for any of the voters residing within said precinct to vote at the court house, if they shall so elect.

SEC. 2. The County Court of Breckinridge, at the time they appoint Judges and a Clerk of elections at the court house, shall, also, appoint Judges and a Clerk to take the votes in said precinct; and the Sheriff, or his deputy, shall attend at the place herein appointed for holding elections in said precinct and conduct the same.

SEC. 3. The Sheriff of Breckinridge, or his deputy, shall, on the Friday succeeding any election as aforesaid, cause the votes taken at the court house and those taken within said precinct, to be carefully compared, and make return according to law.

Precinct in  
Bath.

SEC. 4. *Be it further enacted*, That there shall be an additional election precinct in the county of Bath, to be held at the house of Daniel Emmerson, in the town of Wyoming, and that the County Court of Bath, at the time they appoint Judges and Clerk of elections at the court house, shall, also, appoint Judges and a Clerk to take the votes at said precinct, and the Sheriff, or his deputy, shall attend at that place.

Approved, February 3, 1843.

## CHAPTER 85.

AN ACT for the benefit of certain citizens of the town of Midway.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That such persons as hold lots in the town of

Midway, purchased in good faith of the Lexington and Ohio Railroad Company, shall hold the same free of any title of the State, acquired under said mortgage, whether deeds had been made to such persons or not, before the date of said mortgage: *Provided*, They have paid up the purchase money for said lots, or shall pay any balance that may be due, into the Treasury of this State.

Approved, February 3, 1843.

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#### CHAPTER 86.

AN ACT for the benefit of Ann Eliza Page.

Preamble.

WHEREAS, it is represented to the General Assembly, that Ann Eliza Page is an infant, under the age of twenty one years, and there having descended to her from her mother, now deceased, a tract of land, containing about one hundred and ninety six acres, lying in the county of Oldham, which said land descended to the mother of said Ann Eliza, from her father, William Woolfolk, now deceased, and was allotted to the mother of said Ann Eliza, by Commissioners appointed by the Oldham County Court, about the year 1824: And whereas, the said Ann Eliza Page, by the advice, and with the consent of her guardian and father, Thomas S. Page, agreed to sell and convey the said tract of land, about the year 1838: and in consideration of the sale of said land being advantageous to said infant, and the said land being wholly unproductive, and exposed to waste, by cutting, carrying away and destroying the timber thereon; and with intention and for the purpose of giving mutuality, and rendering valid, the agreement of said infant concerning and respecting said land, and for further security to the purchaser thereof, the said Thomas S. Page, guardian of said infant, did execute a title bond, covenanting to convey and warrant, or to cause to be warranted and conveyed, the said land to the purchaser, whenever the purchase money thereon should be paid: And whereas, it is represented that the sale of said land, as aforesaid, will redound to the present advantage and well being, as well as the permanent interest of said Ann Eliza, and that she is still desirous of completing said contract—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Ann Eliza Page, infant daughter of the said Thomas S. Page, be, and is hereby, empowered, made able and competent in law, to convey said tract of land above described, under the same rules and regulations, forms and ceremonies, that now govern conveyances by the laws of this Commonwealth, now observed and in force, by persons of full age, who labor under no disability, and who are the holders of the fee simple title to lands.

Authorized to convey tract of land.

SEC. 2. *And be it further enacted*, That in any deed made by the said Ann Eliza Page, for the land aforesaid, the said

Guardian may join in deed.

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Guardian to  
give bond.

Thomas S. Page, if required by the purchaser or purchasers, shall join, and that the same shall be good and valid in law, to pass the title to the grantee or grantees in said deed, as effectually, and for all purposes whatever, as though the said Ann Eliza Page had attained the full age of twenty one years: *Provided however*, That before any conveyance shall be made, the said Thomas S. Page shall enter into a bond, in the Clerk's Office of the Franklin County Court, in the sum of four thousand dollars, with good surety, and with condition to account faithfully to the said Ann Eliza, or her representatives, for the purchase money, and such interest thereon as other guardians should be chargeable with.

Approved, February 3, 1843.

## CHAPTER 89.

AN ACT for the relief of Eleanor Morton, and her children.

Preamble.

WHEREAS, it is represented to this General Assembly, that Eleanor Morton, some time ago, contracted to sell a tract of land, lying in Jessamine county, to William D. Young and John Young, which land was devised to the said Eleanor and her children, and James F. Morton and Richard Morton, two of said children, are under twenty one years of age, and it is represented to be much to the interest of said infants that said contract of sale should be duly executed, by the proper conveyance, and that the proper portion of the purchase money should be paid and applied to the benefit of said children under age: wherefore,

Circuit Court  
authorized to  
decree a con-  
veyance of a  
tract of land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Eleanor Morton to file her bill in the Jessamine Circuit Court, making said infants (for whom a guardian, *ad litem*, shall be regularly appointed,) and said purchasers parties, and praying that said contract may be carried into effect; and if it shall appear, by depositions regularly taken in said cause, that it will be for the advantage of said infants, to carry said contract into effect, and the court shall be well satisfied thereof, it shall be lawful for said court so to decree, and to make all needful and proper orders therefor, and to make such orders and take such surety, as shall be necessary to secure the payment of their respective portions of the purchase money to the said infants, when they shall become of age; but this act shall not affect any equity the said purchasers may have in the premises.

Approved, February 3, 1843.

CHAPTER 90.

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AN ACT authorizing a sale of the Poor House of Harrison county, and the land attached thereto, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Harrison county, (a majority of all the Justices in commission being present and concurring,) shall have power, and they are hereby, authorized to make sale of the Poor House of said county, and all the land attached or belonging thereto, upon such credits, terms, and conditions, as said court may deem conducive to the interest of said county; and the deed of the court, or a Commissioner appointed by the court to convey, shall pass all the title, legal and equitable, to the purchaser, held by said court in the premises.

SEC. 2. *Be it further enacted*, That the County Courts of Russell, Rockcastle, Estill, Union, Whitley, and Monroe counties, be allowed the further time of twelve months to furnish for said counties a set of weights and measures.

Approved, February 7, 1843.

CHAPTER 92.

AN ACT to amend the charter of Bardstown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fourth section of an act, entitled, an act to incorporate the town of Bardstown, approved, February 12th, 1838, be so amended that the Marshal of said town shall be elected by the citizens thereof, in the same manner as is provided in said act for the election of the Trustees of said town.

Approved, February 7, 1843.

CHAPTER 93.

AN ACT to abolish an election precinct in Letcher county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election precinct heretofore held at the house of Moses Adams, in Letcher county, is hereby abolished.

Letcher.

SEC. 2. *Be it further enacted*, That the election precinct heretofore held at the house of William Begley, in Perry county, is hereby removed to the house of Terra Melton, in said county.

Perry. ||

Approved, February 7, 1843.

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## CHAPTER 95.

AN ACT authorizing the Trustees of the town of Shelbyville to sell and convey certain ground in said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Trustees of the town of Shelbyville, or a majority of them, to sell and convey, with the written consent of the owner or owners of the adjoining lots, all that part of north back street, in said town, lying between lots number one hundred and fifty two and one hundred and fifty three, on the north, and one hundred and fifty five, one hundred and fifty six, one hundred and fifty seven, and one hundred and fifty eight, on the south. And, also, to sell and convey an alley in said town, running from Main street to north back street, and lying between the lots number one hundred and fifty six, on the east, and one hundred and fifty seven on the west. And, also, that part of a cross street running from first south back street to second south back street, binding on the east line of lot number one hundred sixty seven, and forming part of the eastern boundary of said town. And, also, to sell and convey an alley running from first south back street to second south back street, and lying between lots number one hundred and sixty eight, on the east, and one hundred and sixty nine, on the west. And, also, that part of second south back street, binding on the southern line of lots number one hundred and sixty seven, one hundred and sixty eight, one hundred sixty nine, and one hundred and seventy, and forming part of the southern limits of said town; and the sale and conveyance of said ground, by said Trustees, or a majority of them, with the written consent of the owner or owners of the lots adjoining said ground, shall be effectual to pass the title to the purchaser.

Approved, February 7, 1843.

## CHAPTER 96.

AN ACT to authorize a sale of the real estate of Charles McDowell, deceased.

WHEREAS, it is represented to the General Assembly, that the personal estate and slaves of Charles McDowell, deceased, are insufficient for the payment of his debts, and that a large portion of his land will be required to be sold for their full payment, and that the said land is not susceptible of division, without great injury to its value; and the sale of the entire tract, saving thereby to the infant heirs of said Charles McDowell, the whole or a portion of the slaves of said decedent's estate, would be greatly to the interest of said infants: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Judge of the Fayette Circuit Court, upon the application



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of the administrator of said Charles McDowell, deceased, and the guardian of his infant heirs, to authorize them, severally or jointly, to make sale, at public auction, on credits of six, twelve, and eighteen months, of the tract of land belonging to said infant heirs, by descent from said decedent, situate in Fayette county, and the same whereon said decedent resided; and upon making said sale, it shall be the duty of said administrator and guardian, to report the same to said court, which court shall inquire into said sale, and being satisfied that the same has been made in conformity to the decree of said court, to confirm the same; and on payment of the purchase money, order a deed to be made by said guardian, or a Commissioner of said court, in the name and on behalf of said infant heirs, to the purchaser.

Court may decree a sale of real estate and cause a deed to be made.

SEC. 2. *Be it further enacted*, That said court shall require bonds, with good security, of said guardian and administrator, in a penalty double the price of said land, conditioned to apply the purchase money of said land to the payment of the debts of said decedent, and the balance, if any, to be accounted for by the guardian to his wards as other estate of said infants; which bonds shall be executed prior to the confirmation of said sale.

Bond to be executed by guardian and administrator.

SEC. 3. *Be it further enacted*, That the Fayette Circuit Court shall have power and jurisdiction to cause the proceeds of such sale to be applied to the payment of the debts of said decedent, and, for that purpose, may make all necessary orders and decrees for the safety of such proceeds, their due collection and proper payment, and may, from time to time, require of said administrator or guardian additional security, if deemed requisite.

Proceeds to be applied to the payment of debts.

SEC. 4. Before said court shall make any decree for the sale of said land, the suit shall have the said infants regularly before the court, as in other cases; and said court shall be satisfied, from proof, that it will be for the advantage of said infants to sell said property, and shall so enter the matter on the record.

Approved, February 7, 1843.

#### CHAPTER 97.

AN ACT to incorporate the Trustees of the Old Side Presbyterian church in Simpson county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Calvin Johnson, William Andrews, Alexander M. Sloss, and Thomas McDavit, and their successors in office be, and they are hereby, created a body corporate and politic, by the name and style of the Trustees of the Pleasant Grove Old Side Presbyterian Church, in Simpson county, and by that name, to have perpetual succession, with all the powers incident to corporations, for the purposes

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of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities, of said church, which now does, or may hereafter, belong to the same.

SEC. 2. *Be it further enacted*, That whenever vacancies may occur with said Trustees, it shall and may be lawful for them to be filled, pursuant to the discipline and rules of said church. The General Assembly reserves the right to amend or repeal this act at pleasure.

Approved, February 7, 1843.

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CHAPTER 98.

AN ACT for the benefit of Charlotte Mount.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Charlotte Mount, the widow and administratrix of Amos Mount, deceased, to join with the guardians of the infant heirs of the said Amos Mount, and petition the Chancellor of the county of Oldham, to sell thirty five acres of a tract of two hundred and twenty seven acres of land in the county of Oldham, on the waters of Curry's fork, of which the said Amos Mount died seized; and it shall be the duty of the Chancellor, at the first term of the Oldham Circuit Court, to appoint three discreet householders, of the county of Oldham, who shall enquire into, and report, if it shall be to the benefit of the said infant's estate to sell the said thirty five acres of land; and if the said Commissioners shall report that it will be to their advantage, it shall be the duty of said Chancellor, at the first term, to decree a sale of the said land, by the administratrix, upon a reasonable credit, and direct a conveyance to be made to the purchaser, retaining a lien for the purchase money: *Provided*, That no sale of said thirty five acres of land shall be made until the said Charlotte, administratrix, as aforesaid, shall, in the Oldham Circuit Court, enter into bond, with security, to be approved of by the Chancellor, conditioned to pay and satisfy the several debts which are due from said estate to certain creditors, it being the purchase money yet unpaid for the said tract of land of two hundred and twenty seven acres; and with condition, also, to pay over to the guardian the residue of the price of said land, should there be more than will pay the said creditors.

SEC. 2. And the infants shall be made parties to the petition, and shall have some discreet person appointed a guardian, *ad litem*, for them, after the service of process, whose duty it shall be to look to their interest in said suit; and proof shall also be taken, to shew to the court how it may be for the benefit of the infants to sell said land.

Approved, February 7, 1843.

CHAPTER 99.

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AN ACT to amend an act establishing fire companies in the city of Lexington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Independent Fire Company, No. 1, in and of the city of Lexington, shall be, and they are hereby, exempted from the payment of militia fines in time of peace: *Provided*, They perform their duty as firemen, in conformity to the constitution and by-laws of said fire company: *And provided further*, That the names of such members shall be, by the officers of said fire company, reported to the captains of the respective militia companies of the 42d regiment, on or before the first of March in each year.

SEC. 2. *Be it further enacted*, That all laws, or parts of laws, coming within the purview of this act, be, and the same are hereby, repealed.

Approved, February 7, 1843.

CHAPTER 100.

AN ACT to establish an election precinct in the county of Morgan, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be, and is hereby, established, an election precinct in the county of Morgan, and that the place of voting therein, be at the house of John Dennis, on Blackwater; and the County Court of said county shall appoint the necessary officers to conduct the elections held at said precinct, who shall be governed by the laws now in force in relation to elections.

Morgan

SEC. 2. *Be it further enacted*, That an election precinct be established in the county of Crittenden, at Clements' mill, in said county.

Crittenden.

SEC. 3. *Be it further enacted*, That there be, and is hereby, established, an additional election precinct in the county of Lawrence, and the place of voting therein shall be at the house of Emanuel Brammer.

Lawrence.

SEC. 4. *Be it further enacted*, That an election precinct be established at the house of Stephen Birkley, in the county of Grant.

Grant.

Approved, February 7, 1843.

CHAPTER 101.

AN ACT for the benefit of the United Baptist Church at Walton's creek, in Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jonas Titchenor, Edmund Rowe, William Ashby, John Maddox, Jr., and Silas Titchenor, and their suc-

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cessors, on the part of the United Baptist Church at Walton's creek, in Ohio county, be, and they are hereby, created a body politic and corporate, by the name and style of the Trustees of the Walton Creek United Baptist Church; and by that name, are hereby authorized and empowered to receive a conveyance to a lot of ground, whereon the said Meeting house is erected, containing not more than four acres, by them heretofore purchased, and to hold the same, with its appurtenances, to the joint use of the said Baptist Church; and by, and in that name, shall and may sue and be sued, plead and be impleaded, for any money due from or to them, and for any property belonging to said Church; but the General Assembly reserves the right to amend or repeal this act at pleasure.

Approved, February 7, 1843.

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CHAPTER 102.

AN ACT for the benefit of the heirs of Joshua Evans, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Sarah Evans, be, and she is hereby, authorized and permitted to sell and convey, by deed or other instrument, the Saw and Grist Mills, together with the appurtenances, and one half acre of land adjoining thereto, on Beaver creek, in Harrison county, Kentucky, which descended to the heirs and said Sarah, as widow of said deceased; and such deed or other instrument, shall pass all the right, title, and interest, which said Sarah, as widow, or his heirs, have in and to said Mills and half acre of land, to the purchaser.

SEC. 2. *Be it further enacted*, That said Sarah Evans shall first advertise said Mills and half acre of land, at three public places, and at the Court house door, in the county of Harrison, at least one month before said sale shall be made; and that the same be made at the Court house door in said county, on some court day, and on a credit of twelve months.

SEC. 3. *Be it further enacted*, That the purchase money shall be placed in the hands of the guardian or guardians of the infant heirs of said Joshua Evans, and shall be accounted for by them, as guardians are now required to account to their wards, by the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That before such sale shall be made, the said Sarah Evans shall exhibit her petition in the Harrison Circuit Court, praying a sale of said property, to which the heirs of said Joshua Evans shall be made parties; and a guardian, *ad litem*, shall be appointed for those under age, whose duty it shall be to attend to the interests of said infant heirs; and if the court shall be satisfied that it will be for the interest of the infant heirs, a decree may be made, ordering a sale of said property, and said court shall have power to make all necessary orders, and require all necessary

bonds, to secure the purchase money to the said heirs, or their proportion thereof.

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Approved, February 7, 1843.

CHAPTER 104.

AN ACT to change the boundaries of the Germantown election precinct, in the county of Mason.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the boundaries of the Germantown precinct, in the county of Mason, shall be as follows, to-wit: to begin at the mouth of Clark's run; thence to the forks of the road, known as Baldwin's road; thence to Ragsdale's old Mill, on Shannon; thence by the residence of Elijah Hawkins, to the Bracken county line; thence with that line, to where the same crosses Bracken creek; thence up said creek, to and with a branch that runs through the farm of Thomas Stroud, to the Minerva road; thence with the same, to the road leading from Washington to Germantown; thence with said road, to the mouth of the lane between Samuel Worthington and Alexander M'Intire; thence down the said lane, to Clark's run, and down the run to the beginning. That the election in said precinct shall be held at Germantown.

Approved, February 7, 1843.

CHAPTER 105.

AN ACT for the benefit of James Quiett, and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Quiett, Sheriff of Nicholas county; James G. Lobban, Sheriff of Adair county; John Hodges, Sheriff of Calloway county; Hugh French, Sheriff of Russell county; John Beaty, Sheriff of Pulaski county; Thomas E. Jones, Sheriff of Casey county; and Robert J. King, Sheriff of Trimble county, shall have until the first day of June next to pay into the Treasury the balance of the revenue tax due from their respective counties, and for which the said Sheriffs have not accounted; and the Second Auditor shall receive and credit the delinquent lists of said Sheriffs in the same manner as if returned at the time now required by law: *Provided*, That the above named Sheriffs, shall, at the March or April courts of their respective counties, appear in court with their securities; and enter on the record of said courts their assent to the extension of the time for the payment of the balance of the revenue due by such Sheriff. But if either of the above named Sheriffs shall fail to appear in the County Courts, as aforesaid, and have the consent of their securities entered for the indulgence hereby granted, such Sheriff shall be liable for the damages now allowed by law for failing to pay into the Treasury the revenue due by them.

Nicholas.  
Adair.  
Calloway.  
Russell.  
Pulaski.  
Casey.  
Trimble.

Approved, February 7, 1843.

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## CHAPTER 106.

AN ACT for the benefit of certain Sheriffs.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Quintus C. Shanks, Sheriff of Ohio county; William Stewart, Sheriff of Livingston county; James Ashby, Sheriff of M'Cracken county; John B. Laffoon, Sheriff of Hopkins county; John Campbell, Sheriff of Perry county; Sheriff of Bourbon county; Sheriff of Boone county; Sheriff of Cumberland county; Sheriff of Breckinridge county; Sheriff of Hancock county; and Morton M. Price, Sheriff of Estill county, be, and they are hereby, allowed the further time until the first day of June, 1843, to return their delinquent lists, and to pay into the public Treasury the remainder of the revenue due by them as Sheriffs for the year 1842; and no proceedings shall be had against them, or their securities, for failing to settle and pay over such balance of the revenue of their respective counties, until the said first day of June, 1843: *Provided*, That the Sheriffs of the counties aforesaid, shall, on or before the 7th day of February next, file with the Second Auditor of Public Accounts, the consent of their securities to the indulgence hereby given, which consent shall be given in the presence of, and attested by, the Clerk of the County Court of said counties: *And provided further*, That should any of said Sheriffs be unable to file the consent of their securities, in compliance with the above provisions, then, and in that event, such Sheriff or Sheriffs shall have until the first day of April next to file the consent of his or their securities as aforesaid; and upon this being done, such Sheriff or Sheriffs, shall be released from any damages or interest that have or may accrue.

Sheriff of  
Graves.

SEC. 2. *Be it further enacted*, That A. H. Willingham, Sheriff of Graves county, be, and he is hereby, granted the further time until the first day of June next, to return his delinquent list, and to pay into the public Treasury the revenue remaining unpaid by him as Sheriff, upon like conditions as expressed in the first section of this act.

Approved, February 7, 1843.

## CHAPTER 107.

AN ACT for the benefit of Harrison Brown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Harrison Brown, of Woodford county, be, and he is hereby, authorized to bring into this State, and keep for his use, his slave Washington, without incurring the penalty of the law against the importation of slaves: *Provided*, That the aforesaid Harrison Brown shall first file his affidavit in the Clerk's office of the Franklin County Court, that the

said boy was not purchased for the purpose of speculation, but wholly for his own use, and with no intention of again selling him.

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Approved, February 7, 1843.

CHAPTER 109.

AN ACT for the benefit of the surviving executor of Brumfield Long, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to authorize the executors of Brumfield Long, deceased, to convey certain lands, approved, January 7th, 1824, be so amended as to authorize said conveyance to be made by Anak Dawson, the only surviving executor of said Brumfield Long, according to the provisions of said act of 1824; and in case of his death, then his administrator or executor may convey the same.

Approved, February 7, 1843.

CHAPTER 110.

AN ACT for the benefit of William Stephens.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Mount Washington, in Bullitt county, may permit William Stephens to use and occupy twenty feet in width of Main street, in front and adjoining his mill lots, as a lumber yard: *Provided*, Such permission shall not extend beyond the time the mill is used.

Approved, February 7, 1843.

CHAPTER 111.

AN ACT for the benefit of Jacob Mayo.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months be allowed to Jacob Mayo, late Clerk of the Circuit and County Courts of Floyd county, to issue fee bills for all services done by him, or his deputies, while Clerk of the Courts aforesaid, for which he has not issued fee bills, nor collected the fees, and that the fee bills so issued, shall be collectable by law; but this act shall not authorize said Mayo to issue fee bills for services done more than two years before he went out of office.

Approved, February 7, 1843.

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## CHAPTER 113.

AN ACT to amend the law in relation to Constables in Nicholas county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Nicholas county may lawfully appoint James H. Orr to the office of Constable in said county, and may permit him to execute bond as such; and such bond, executed and acknowledged by him and his securities, shall be as binding in law, and for all purposes, on him and them, as if the said James H. Orr was over the age of twenty one years.

Approved, February 7, 1843.

## CHAPTER 114.

AN ACT to amend an act, entitled, an act to establish a State road from the Ohio river, to Albany, in Clinton county, and for other purposes.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Jacob M. Durr and James Brady, of Washington county, be, and they are hereby, appointed Commissioners or reviewers, in lieu of Leonard Sea and Thomas W. Claybrooks, deceased; and they are hereby invested with all the powers, and may perform all the duties authorized by said recited act, to be done and performed by the said Leonard Sea and Thomas W. Claybrooks, deceased.

*SEC. 2. Be it further enacted,* That Mortimer Satterwhite, Daniel S. Lane, and Rufus King, be, and they are hereby, appointed Commissioners, for the county of Trimble; and shall have power to commence the review of said road at King's ferry, on the Ohio river, in the county of Trimble.

Approved, February 7, 1843.

## CHAPTER 115.

AN ACT granting a change of venue to Edmund F. Smith.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the calling of the indictment now depending in the Jessamine Circuit Court against Edmund F. Smith, for attempting to pass and passing a counterfeit five dollar Kentucky Bank note, it shall be lawful for said Smith to elect to be tried in the county of Lincoln; and upon making said election, it shall be the duty of the Judge of the Jessamine Circuit Court to cause the election of said Smith to be entered on the record of the Jessamine Circuit Court; and, thereupon, it shall be the duty of the Clerk of the Jessamine Circuit Court, to transmit to the Clerk of the Lincoln Circuit Court, all papers connected with said prosecution, with a copy of all the orders of the court made in relation thereto.



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SEC. 2. That in case the said Smith shall elect to be tried in the county of Lincoln, then the Lincoln Circuit Court shall have power and jurisdiction to try said Smith for the offence with which he now stands charged, as fully as if said offence had been committed in the county of Lincoln; and shall have power to cause the said indictment to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts in relation to criminal trials, as fully as if the said court had original jurisdiction of the case; and in case the indictment should be quashed on account of any irregularity or other defect, then the Lincoln Circuit Court shall have power to empanel a grand jury, for the purpose of finding a new indictment; and the said Jessamine Circuit Court shall recognize the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearances of said witnesses in the Lincoln Circuit Court, and for that purpose subpoenas shall be issued, and other necessary process, to compel the attendance of such witnesses before the said Jessamine Circuit Court.

Approved, February 7, 1843.

CHAPTER 116.

AN ACT incorporating the German Benevolent Society of Louisville, Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present members of the German Benevolent Society of Louisville, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name of "The German Benevolent Society, of Louisville, Kentucky," and by that name shall have perpetual succession, and are hereby made able and capable to receive and hold, by gift, grant, purchase, or devise, any number of acres of land, not exceeding ten; and any quantity and kind of personal property, and to sell, exchange and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, in this Commonwealth; to have and use a common seal, and the same to alter and renew at pleasure; to form and adopt a constitution and by-laws, not inconsistent with the laws and constitution of this State, for the government of said society, and the regulation and conducting of its affairs.

Name and style.

Corporate powers.

SEC. 2. That the said society may elect, on the first Monday in the month of March next, and at such other time thereafter as they may deem proper, a President, Vice-President, Treasurer, and Secretary, and such other officers as they may think fit to elect and appoint.

May elect officers.

SEC. 3. That the said society may sue and be sued by its corporate name, and in all suits against the society, service of the process upon the President, and, in his absence, on the

May sue, &c.

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Vice-President, and in the absence of the President and Vice-President, on the Secretary, and in the absence of President, Vice-President and Secretary, on the Treasurer, shall be sufficient.

SEC. 4. That all the personal property now belonging to the society, shall be as fully and completely vested in said society, as if said property had been acquired after the passage of this act.

When to be  
dissolved, and  
how property to  
vest.

SEC. 5. That in case said society should ever be so reduced in number, as not to contain as many as six members, then it shall, *ipso facto*, be dissolved; and all the property which shall then belong to it shall be vested in the City of Louisville, and shall be applied under the direction of the then Mayor and Council of Louisville to the support of German public schools; and if there be none such, then to the support of the public school in said city.

SEC. 6. That any future Legislature may alter, change, amend, or repeal, this act.

Approved, February 7, 1843.

#### CHAPTER 117.

AN ACT allowing Henry Browning a change of venue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the calling of the indictment now pending in the Harlan Circuit Court, against Henry Browning, for murder, at the next term of said court, it shall be lawful for said Browning to elect to be tried in the county of Knox; and upon his making said election, it shall be the duty of the Judge of the Harlan Circuit Court to cause the consent and election of said Browning to be entered on the record of the Harlan Circuit Court; and, thereupon, the Judge of said court shall order said Browning to be transferred to the said county of Knox; and the Clerk shall transmit to the Clerk of the Knox Circuit Court, all papers connected with said prosecution, with a copy of the orders of the Court made in relation thereto.

SEC. 2. That in case the said Browning shall elect to be tried in the county of Knox, then the Knox Circuit Court shall have power and jurisdiction to try said Browning for the offence with which he now stands charged, as fully as if said offence had been committed in the county of Knox; and shall have power to cause said indictment to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts, in relation to criminal trials, as fully as if said Court had original jurisdiction of the case; and in case the indictment should be quashed, on account of any irregularity or other defect, then the Knox Circuit Court shall have power to empanel a grand jury for the purpose of finding a new indictment, it being the intent and

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meaning of this act, that in no event, shall the said Browning be discharged for any irregularity, but that a trial shall be had on the merits: *Provided however*, That nothing herein contained shall be construed to deny to said Browning the privilege of being bailed, should a court of competent jurisdiction to grant bail, believe that the offence is bailable.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Harlan Circuit Court to take recognizances of the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearances of said witnesses in the Knox Circuit Court; and for that purpose, subpoenas shall be issued, and other necessary process, to compel the attendance of such witnesses, before the Knox Circuit Court.

Approved, February 7, 1843.

CHAPTER 119.

AN ACT to reduce the number of Constables in Oldham county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the third Monday in April next, there shall be but four Constables in the county of Oldham.

Four allowed.

SEC. 2. That it shall be the duty of the Oldham County Court, at their next April term, a majority of all the Justices of the Peace of said county being present and concurring, shall proceed to elect four suitable persons as Constables for Oldham county.

County Court to elect four.

SEC. 3. That the following boundary shall constitute the first district, to-wit: commencing at the mouth of Patton's creek, and with the meanders of said creek and the Trimble and Henry county lines, to the road leading from Bedford to Louisville; and thence with said road to its intersection with the road leading from Brownsboro' to Harmony Landing; thence with said road to the latter place; and thence up with the meanders of the Ohio river to the beginning.

Boundary of 1st district.

SEC. 4. That the second district shall commence at the intersection of the Westport and Brownsboro' road with the Bedford and Louisville road, at or near the residence of William Woolfolk; and thence with the Westport and Brownsboro' road, to its intersection with the road leading from La Grange to Blankinship's mill; thence a direct line to the town of La Fayetteville, so as to include said town; and thence with the road leading to Centreburg to John Brown's mill, on Curry's fork; thence a direct line to the house of William Barnhill, on the La Grange and Ballardsville road; from thence to the house of Col. John Fible; and thence to John Berry's mill dam, on Floyd's fork; and thence with the Henry county line and with the boundary of the first district to the beginning.

Boundary of 2d district.

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Boundary of  
3d district.

SEC. 5. That the third district shall commence at the corner of the second district, and with the Bedford and Louisville road, to the intersection of the road leading from Brownsboro' to Harmony Landing; thence to the latter place, and down the Ohio river to the Jefferson county line, and with the same to its intersection with the route of the Lexington and Ohio Railroad; and thence with a straight line to John Brown's mill, on Curry's fork; and thence with the boundary of the second district to the beginning.

4th district.

SEC. 6. That all that portion of the territory of Oldham county, not included in the foregoing first, second, and third districts, shall compose the fourth district.

To be appointed  
in district.

SEC. 7. That it shall be the duty of said County Court, in the selection of such suitable persons as Constables, to appoint some one individual living in each of the four above mentioned and described districts, and no one shall be in nomination before said court as a Constable, who does not, at the time, reside in the district for which a Constable is to be chosen.

Removal out  
of district for  
forfeiture of office.

SEC. 8. That if any Constable, who shall be appointed under this act, shall remove without the boundary of the district for which he may be chosen, such removal shall, *ipso facto*, forfeit his office.

Approved, February 15, 1843.

## CHAPTER 120.

AN ACT to change certain Constable's districts, and to allow additional Constables and Justices of the Peace to certain counties.

Keller's dis-  
trict in Harri-  
son changed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the district of John Keller, as Constable of Harrison county, shall be, and the same is hereby, extended to the boundary lines of said county, so that his removal from where he now lives shall not forfeit or vacate his office.

Murrell's dis-  
trict in Adair  
changed.

SEC. 2. *Be it further enacted*, That the farm and residence of Napoleon B. Hood, in Adair county, be, and the same is hereby, added to, and shall compose a part of the Constable's district, in said county, in which Samuel H. Murrell is now Constable.

Constable to  
Logan.

SEC. 3. *Be it further enacted*, That there is allowed an additional Constable in the county of Logan, who shall reside in the town of Russellville, or not more than three miles from said town; and the County Court of said county are required to appoint said Constable, to reside within the boundaries aforesaid.

Breckinridge  
Constable.

SEC. 4. *Be it further enacted*, That there be one additional Constable allowed to the county of Breckinridge, and the County Court, in making the appointment, shall have due regard to the necessities of the people living in the district of David Herndon, Esq.

SEC. 5. *Be it further enacted*, That there be an additional Justice of the Peace allowed to the county of Morgan.

SEC. 6. *Be it further enacted*, That there shall be allowed to the county of Simpson, one additional Constable, to reside in the neighborhood of Tucker Rice, Esq.

SEC. 7. That one additional Constable be allowed the county of Ballard, who shall reside in the town of Blandville.

SEC. 8. That there be allowed to the county of Rockcastle, one additional Justice of the Peace, who, at the time of his appointment, shall reside on the waters of Copper creek; also, that there be allowed to said county, one additional Constable.

Approved, February 15, 1843.

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Simpson Constable.

Ballard Constable.

Rockcastle J. P. and Constable.

CHAPTER 121.

AN ACT for the benefit of James Taggart, Sheriff of Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Taggart have until the first day of June, 1843, to pay into the Treasury the balance due on his revenue tax for the year 1842: *Provided*, That if the said Taggart shall not, on or before the February term, 1843, of the General Court, pay into the Treasury the balance due from him on his revenue tax for 1842, this act shall not be construed so as to prevent judgment being rendered against said Taggart, at said term; and on the payment of the balance due on or before the first day of June aforesaid, all damages which may be rendered against him, are hereby remitted; and the Second Auditor is hereby directed to suspend execution on said judgment until the first day of June aforesaid: *Provided*, The said Taggart shall, on or before the first day of May, 1843, file with the Second Auditor, the written consent of his securities to said stay, which consent shall be given before the Clerk of the County Court of Muhlenburg, and by him certified to the Auditor.

Approved, February 15, 1843.

CHAPTER 122.

AN ACT for the benefit of the Sheriffs of Carroll and Grant counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Hugh Harris, Sheriff of Carroll county, shall have until the first day of June next to pay into the Treasury the balance of the revenue due from said Sheriff for the year 1842, upon the same terms and conditions as provided by the act passed at the present session, entitled, an act for the benefit of certain Sheriffs.

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**SEC. 3.** That the Sheriff of Grant county shall have until the first day of January next, to return his delinquent list for muster fines in said county.

Approved, February 15, 1843.

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CHAPTER 125.

AN ACT for the benefit of James Allen.

**WHEREAS**, Joseph Allen has become a lunatic, and his father, James Allen, has carried him to the Lunatic Asylum, where he now is; And whereas, the said Joseph Allen owned a negro man called Stephen, who was greatly in the habit of running away, and costing considerable sums of money to re-take him. Under these circumstances, his father, James Allen, partly with a view to support his son in the Asylum, and also to part with such a runaway, sold said Stephen to John Hunter, for the sum of four hundred dollars. The said Joseph Allen never was married, and his father, James Allen, is his heir apparent. It is the interest of the said Joseph Allen and James Allen, that the sale of the said Stephen to John Hunter should be confirmed: and for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sale of the negro man Stephen, to John Hunter, as above stated, be, and the same is hereby, confirmed and declared legal and valid, to all intents and purposes, any law to the contrary notwithstanding.

Approved, February 15, 1843.

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CHAPTER 127.

AN ACT allowing an additional Justice of the Peace to the county of Hardin.

**WHEREAS**, the people of Hardin county, in the town of Bloomington and its neighborhood, have petitioned this General Assembly to have an additional Justice of the Peace appointed in said county, for the convenience of their vicinity—wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace shall be appointed for the county of Hardin.

Approved, February 15, 1843.

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CHAPTER 128.

AN ACT for the benefit of James M. Rice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James M. Rice, of the county of Lawrence, be, and he is hereby, permitted to bring into this State,

from the State of Virginia, a negro boy slave named Frank, aged about seven years, the property of the said Rice, without incurring the penalties of an act, entitled, an act to prohibit the importation of slaves into this Commonwealth, passed in the year 1833: *Provided*, That this act shall not take effect until the said Rice shall file with the Clerk of the Lawrence County Court, his affidavit that said slave is not brought into this State for merchandize.

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Approved, February 15, 1843.

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CHAPTER 129.

AN ACT authorizing Richard Ringo to remove certain slaves of Charles Stone, an infant.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if Richard Ringo shall enter into a bond in the sum of four thousand dollars, in the Bath County Court, with T. T. Jones and D. L. Jones, his sureties, with condition that the said Ringo, or his representatives, shall faithfully account to Charles Stone, an infant, for any property of said Charles Stone that may come to his, said Ringo's hands, and especially for four negroes, and the increase of any of them, which came to said Charles from his father, one of which has been allotted to said Ringo's wife, in dower, then it shall be lawful for said Ringo to take said negroes to the State of Missouri, where said Charles Stone is living with said Ringo, who is married to his mother; the bond herein required shall be made payable to the said Charles Stone, and shall, in the condition thereof, mention the names of the said slaves of said Charles, and any other property that said Ringo shall wish to take into his possession.

Slaves of an infant may be taken to Missouri.

Approved, February 15, 1843.

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CHAPTER 130.

AN ACT to authorize the County Courts of Calloway and Marshall counties to sell their Seminary lands.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Calloway and Marshall counties shall have power, (a majority of all their members concurring,) to sell all Seminary lands belonging to said counties, and, when they shall think it expedient, appropriate the proceeds thereof to the erection of suitable Seminary buildings, or to the common schools in said county.

Approved, February 15, 1843.

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## CHAPTER 131.

AN. ACT to authorize the sale of a slave belonging to Thomas H. Miles, an infant.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Circuit Court of Nelson county to decree a sale of a certain negro man slave, by the name of John, the property of Thomas H. Miles, a minor, and for that purpose, John Lancaster, of the county of Marion, guardian of said Miles, may exhibit his petition, on oath, in said court, setting forth the reasons why said negro should be sold; and if said court should be satisfied, from the statements contained in said petition, that it would be beneficial to said minor that said slave should be sold, said court may, upon mature deliberation, decree a sale of said slave, upon such terms and in such manner as may be deemed expedient by said court.

Nelson Circuit Court may decree the sale of slave upon petition of guardian.

Guardian to give bond, &c.

**SEC. 2.** That said court shall take from said guardian (in case a sale should be made,) bond, with ample security, conditioned as bonds executed by guardians usually are in the County Courts of this Commonwealth, binding said guardian to account for the amount for which said slave shall be sold, to said minor.

Costs of sale.

**SEC. 3.** That the costs and charges attending the proceedings and sale, shall be paid by said guardian, and allowed to him on a settlement of his accounts as guardian.

Proceeds may be invested.

**SEC. 4.** That it shall and may be lawful for said guardian, (if he shall deem it advantageous to his ward,) to vest the proceeds of the sale of said slave in another slave or slaves.

Approved, February 21, 1843.

## CHAPTER 132.

AN ACT to authorize the Scott County Court to exchange the Poor House land.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Scott county, be, and they are hereby, authorized and vested with the power to make any contract which they may consider advantageous, to exchange the land or any part thereof, appropriated for a Poor House in said county, for any other land, and said exchange shall be valid; and they are hereby authorized to convey said Poor House and land, and the conveyance shall be effectual to pass the title.

Approved, February 21, 1843.



## CHAPTER 133.

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AN ACT for the benefit of Eliza Y., Elizabeth, and Mary M. Eastin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Eliza Y. Eastin, and Elizabeth and Mary M. Eastin, the two latter by their mother and next friend, may file their petition in the Woodford Circuit Court, making F. Davis, their Trustee, a defendant, and praying the court to authorize the investment of a portion of the money left to them by the will of C. W. Hiter, in the purchase of two negro girls, and to change the Trustee. Whereupon, the Circuit Court may, if it shall appear to be to the advantage of the complaining infants, authorize the investment in said two negro girls, or confirm any purchase heretofore made, and make such orders, and lay the parties under such conditions, as will best secure the interest of the infants. The said court may, also, change the Trustee, taking care to secure the interest of said infants, and requiring bond and security of the new Trustee, in such sum as will be satisfactory to the court.

Approved, February 21, 1843.

## CHAPTER 134.

AN ACT to enlarge the powers of the Trustees of the Town of Morganfield, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Governor of this Commonwealth, to appoint, with the advice and consent of the Senate, a judicial officer, to be styled the Police Judge of Morganfield, who shall hold his office during good behavior; but before he enters upon the discharge of the duties of his office, he shall take an oath to discharge the same faithfully and impartially, and to the best of his skill and ability.

Police Judge to be appointed and take an oath.

SEC. 2. That said Police Judge shall have power and jurisdiction within the limits of said town, of all causes, civil and criminal, arising therein, in which Justices of the Peace have jurisdiction, (except as a court of inquiry in criminal cases,) in which case he shall have the power and authority given to two Justices of the Peace, and in such cases, he shall proceed as they are required by law; he shall have jurisdiction of all claims under fifty dollars, arising in favor of the Trustees of said town, or against them; also, of all offences arising under the rules, ordinances, and by-laws of said town, made by and under the corporate authority thereof; he shall have power to enter judgment and award execution accordingly; he shall keep a record of his proceedings, and his court shall be considered a court of record; he shall have power to issue summonses for witnesses to give evidence before him, and may award compulsory process to compel their attendance; he

Jurisdiction.

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shall have power to punish contempts: *Provided*, he shall not impose a fine for any contempt, of more than five dollars; he may direct his process to any Constable, or to the town Sergeant, appointed by the Board of Trustees of said town, and who shall execute any such process, directed to them as afore-said; and when the town Sergeant shall execute any such process, he shall be entitled to the same fees, for such service, as Constables are entitled to receive for such services. The Police Judge shall be authorized to take depositions, to be read as evidence within this Commonwealth, and certify the same in like manner as Justices of the Peace, which shall have a like force, virtue, and effect; he shall be entitled to receive, for his services, the following fees, to-wit: for issuing a peace warrant, or a process for the apprehending persons for a riot, breach of the peace, riot or unlawful assembly, thirty seven cents; for issuing a warrant in consequence of a breach of any of the by-laws of said town, or in case where the Trustees are plaintiffs, twenty cents; for swearing a jury and presiding over the same, in any case, (except forcible entry and detainer,) fifty cents; for taking a recognizance to keep the peace, fifty cents; and in all other cases, the same fees that are allowed, by law, to Justices of the Peace, and to be collected in like manner.

His fees.

Fines, &amp;c.

SEC. 3. That all fines and forfeitures in cases cognizable before said Police Judge, shall be collectable and paid to the Treasurer of said town.

Trustees may sue and be sued before him.

SEC. 4. That in all cases where the Board of Trustees shall have a right to sue, or be sued for a breach of any ordinance or by-law of said town, or for any claim, or a breach of any duty, the same shall be sued for, and prosecuted before the Police Judge alone, and he shall hear and determine the same, and award judgment and execution accordingly; but in all civil cases, cognizable before said Police Judge, the parties shall have the right of appeal, as now secured by law in like cases, tried and determined by Justices of the Peace.

Trustees may purchase and hold real estate for certain purposes.

SEC. 5. That it shall and may be lawful for the Trustees of said town to receive and hold, any real or personal estate, not exceeding ten thousand dollars, derived by purchase or otherwise, for school and other purposes; and also, to purchase, acquire, and hold any quantity of ground contiguous to said town, not exceeding five acres, for a burying ground; and also, to establish, within the limits of said town, for the punishment of those who may violate the laws of this State and of said town, a watch house, and work house, and to regulate the same by ordinances passed by them for that purpose, not inconsistent with the constitution and laws of this State.

May cause streets to be paved, &amp;c.

SEC. 6. That the Trustees of said town shall have power and authority to cause the streets of said town to be graded and the side walks paved, with bricks or stone, by levying a tax on the persons and property in said town, as is now provided for by law, or by causing the owners of the lots upon

any one of the streets, that they may determine to improve, to make said improvement, and each paving to the extent of their property fronting on said street. And in case any such owner shall fail to comply with such requisition, said Trustees shall have power and authority to have said improvement done, and shall have a right to recover a judgment against such owner, for the full amount of the value of said improvement, in an action in their name, before the Police Judge of said town; and in case said owner of said lot, shall not be a resident of the county of Union, then said Trustees shall have power to sell, at public auction, said lot, or so much thereof as shall be sufficient to pay and satisfy the value of said improvement, made parallel with said lot, having first duly advertised the time and place of such sale; and shall have power to transfer the title thereof to the purchaser: *Provided however*, That before any such improvement shall be made, upon any one street in said town, by said Trustees, they shall obtain the written consent of three fourths of the owners of the town lots bordering on both sides of said street, that said proposed improvement shall be made.

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Costs thereof  
how paid.

Consent of  
owners of lots  
to be obtained.

Approved, February 21, 1843.

#### CHAPTER 135.

AN ACT allowing additional Justices of the Peace and Constables to certain counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one additional Justice of the Peace be allowed to the county of Wayne: *Provided*, That the County Court, in making the appointment, shall have due regard to the interest of the people in the neighborhood of Hiram Gregory, on the little South fork.

To Wayne  
county Justice  
of the Peace.

SEC. 2. *Be it further enacted*, That there be an additional Justice of the Peace in the county of Pendleton, and the County Court, in appointing said Justice, shall have due regard to that portion of said county East of the South fork of Licking river, and near the county line of Harrison county.

To Pendleton  
Justice of the  
Peace.

SEC. 3. That it shall, and may be lawful, for the County Court of Bullitt, to recommend to the Governor two suitable persons, one of whom to be commissioned a Justice of the Peace for said county, to fill the office of John Graham, Esq., late Justice, who is the present Sheriff of said county.

Bullitt Jus-  
tice of Peace.

SEC. 4. That an additional Justice of the Peace be allowed to the county of Simpson, and the County Court, in making the appointment, shall have due regard to the necessities of the neighborhood of Thomas M'Guire and Samuel Bostick.

Simpson Jus-  
tice of Peace.

SEC. 5. That an additional Justice of the Peace be allowed to the county of Breckinridge, and the County Court, in recommending a suitable person to fill said office, shall have due re-

Breckinridge  
Justice of the  
Peace.

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Breckinridge  
Constable.Letcher Con-  
stable.Harlan Con-  
stable.

gard to the necessities of the citizens living in that part of the county, called the cut off.

SEC. 6. That there be one additional Constable allowed to the county of Breckinridge, and the County Court, in electing such Constable, shall have due regard to the necessities of the citizens living in the district of William B. Jones, Esq.

SEC. 7. *Be it further enacted*, That one additional Constable be allowed to the county of Letcher.

SEC. 8. *Be it further enacted*, That one additional Constable be allowed to Harlan county.

Approved, February 21, 1843.

#### CHAPTER 136.

AN ACT for the benefit of the widow and heirs of Thomas Burrus, deceased.

Preamble.

WHEREAS, it is represented to this General Assembly, that Thomas Burrus departed this life possessed of seventy acres of land, lying in the county of Shelby; and whereas, Mary Burrus, the widow of said Thomas Burrus, has sold said land to John Stodgell, for the sum of three hundred and twenty five dollars, one hundred dollars of which has been paid, and the balance will be due the first of March, 1843; and whereas, it is represented that it will redound to the interest of the widow and heirs to confirm said sale, and the heirs being two sons, infants, under the age of twenty one years, and being, in consequence thereof, unable to make a conveyance—for remedy whereof,

Petition may  
be filed, by  
whom and for  
what object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Mary Burrus, the widow of said Thomas Burrus, deceased, for herself, and for the infant heirs of said Thomas, as their next friend, to file their petition in the Shelby Circuit Court, stating the sale of the land aforesaid, and the terms thereof, and their willingness to confirm the sale and to convey the land to the said John Stodgell, upon the payment of the balance of the purchase money, and that it will redound to the interest of the said heirs to have said sale confirmed, which petition shall be sworn to by the said Mary, and said John Stodgell shall be made defendant thereto; whereupon, it shall be lawful for said court, by the report of Commissioners appointed for the purpose, to ascertain whether it will be to the interest of said heirs to have a confirmation of said sale, and if the court shall be of opinion that a confirmation of the sale will be for the advantage of the heirs, it shall be lawful for said court to render a decree ratifying and confirming said sale; but before any decree shall be given, the Judge of the court shall take such steps, in his discretion, as will secure the payment of the consideration money remaining unpaid.

Court may de-  
cree confirma-  
tion, sale, &c.

SEC. 2. That before entering the decree, the court shall appoint a guardian to said infant heirs, who may be the said Mary Burrus, or any other person, who shall, before said court, enter into bond in sufficient penalty, payable to said heirs, with one or more good securities, conditioned to pay to each of them, the portion of the purchase money to which each shall be entitled, under the statute of distributions, on their arrival, respectively, to the age of twenty one years, together with such interest as the same may produce; and upon the execution of said bond, the said guardian shall be entitled to receive the portion due to said heirs of said sum; and the said Mary shall be entitled to receive the portion due to her, agreeably to the statute of distributions.

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Guardian to be appointed for infants and bond to be given by guardian.

SEC. 3. That it shall be the duty of said court, in case the sale shall be confirmed, to appoint a Commissioner to convey, as well on the part of the said Mary, as the said heirs; which conveyance, when made and acknowledged before said court, shall be effectual, in law and equity, to pass the title to said John Stodgell.

Conveyances to be made.

Approved, February 21, 1843.

#### CHAPTER 137.

AN ACT to extend the limits of the town of Smithland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of March, 1843, the following described tracts of land, shall be added to, and included within the bounds of the town of Smithland, and be subject to all the laws, rules, and regulations of said town, viz: all that tract or parcel of land adjoining said town, commencing on the bank of the Cumberland river at the upper boundary of said town; running thence up said river to Conant's line; thence with said Conant's line to Haynes' line; thence with said Haynes' line, to the present boundary of said town; thence with the boundaries of said town, to the beginning. Also, all that tract or parcel of land adjoining said town, commencing at the present terminus of Main street; running thence with C. Barr's line to Barner's line; thence with Barner's line to a stone near the top of the hill, at the present junction of the roads running from Mill and Main streets; thence with the road running out of Mill street to the boundary of said town; thence with said town boundary, to the beginning.

Approved, February 21, 1843.

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## CHAPTER 138.

AN ACT for the benefit of the administrators and heirs of Lawrence Sandford, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Catharine Sandford, administratrix, and Francis Sandford, administrator of Lawrence Sandford, deceased, to file their petition in the Owen Circuit Court, against the children and heirs at law of said Lawrence Sandford, praying for the sale of two hundred and fifty acres of land, being part of the land descended to the said children and heirs at law, and lying in the said county of Owen; and upon the court's being satisfied, by proof or otherwise, that it will be to the interest of said children and heirs at law, that said quantity of two hundred and fifty acres of land shall be sold for the payment of the debts of the decedent, it shall and may be lawful for said court to decree a sale thereof, for that purpose, upon such terms as the court may think best, and to appoint a Commissioner to sell and convey to the purchaser, and to order the proceeds of the sale to be paid to the administrators: *Provided*, That before any decree of sale shall be pronounced, the court shall require, of the administrators, bond with good security, in sufficient penalty, payable to the Commonwealth of Kentucky, conditioned to apply the proceeds of the sale to the payment of the debts of the decedent, and to pay the surplus, if any, to his heirs at law. And any person injured by a breach of the condition of said bond, shall have a right to institute suit thereon, for his benefit, in the name of the Commonwealth of Kentucky.

SEC. 2. *Be it further enacted*, That it shall be the duty of said court, to specify, in their decree, the side or end of the whole tract, from which said two hundred and fifty acres are to be taken; and it shall be lawful for said court to order and direct any steps to be taken upon said petition, which he may think necessary to effectuate the objects thereof, and to secure the interests of the parties.

Approved, February 21, 1843.

## CHAPTER 139.

AN ACT to provide for working the public roads in Shelby, Trimble, Bourbon, and Montgomery counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Shelby, Trimble, Bourbon, and Montgomery, shall have power and authority, respectively, to purchase any number of scrapers they may deem necessary, to work the public roads in said counties, and said courts are authorized to make a levy for that purpose.

Approved, February 21, 1843.

CHAPTER 140.

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AN ACT for the benefit of Thomas Allen, Clerk of the Mercer County Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor be, and he is hereby, authorized to allow Thomas Allen, Clerk of the Mercer County Court, credit in the settlement of his account, for the sum of thirty dollars, overcharged on a pedler's license, which was accidentally received by a deputy of said Clerk, in his absence.

Allen, Clerk  
of Mercer.

SEC. 2. That Edmund Curd, Clerk of the Calloway County Court, receive from the Treasury the sum of thirty dollars, being the amount he has paid into the Treasury more than he received, in granting a license to a pedler, by mistake

Curd, Clerk of  
Calloway.

SEC. 3. That Isham G. Hamilton, Clerk of the Boone County Court, receive from the Treasury the sum of thirty dollars, being the amount he has paid into the Treasury more than he received, in granting a license to a pedler, by mistake.

Hamilton, Clk  
of Boone.

SEC. 4. That Alexander H. Rennick, Clerk of the Franklin County Court, receive from the Treasury the sum of twenty dollars, being the amount he has paid into the Treasury, more than he received, in granting a license to a pedler, by mistake.

Rennick, Clk  
of Franklin.

Approved, February 21, 1843.

CHAPTER 142.

AN ACT to change the place of voting in the Hutchens precinct, in Monroe county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting in the Hutchens precinct, in Monroe county, be changed from the house of John A. Hutchens, to the School house near F. S. Page's.

Hutchins pre-  
cinct, Monroe.

SEC. 2. *Be it further enacted*, That the Judges and Sheriff who may preside at said precinct, shall close the poll at each election on the evening of the first day, unless requested by some one of the candidates to continue longer.

Poll to be clos-  
ed first day.

SEC. 3. That the place of voting in the election precinct on Bacon creek, in Hart county, be changed to the house of Daniel Boon.

Election pre-  
cinct in Hart  
county.

SEC. 4. That the place of voting in the Flour creek precinct, in Pendleton county, be changed to the house of Daniel B. Ellis, in said county.

Election pre-  
cinct in Pen-  
dleton county.

Approved, February 21, 1843.

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## CHAPTER 143.

AN ACT for the benefit of Thomas M. Wooldridge, his wife and children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Thomas M. Wooldridge, to file his petition in the Trigg Circuit Court, praying for the sale of two small tracts of land in said county, the property of his wife, who is of unsound mind, one tract containing twenty five and a half acres, the other containing fifty two and a half acres, both adjoining Stinebaugh's land, to which petition the said court shall appoint some discreet person to act as a guardian on behalf of said wife; and if it shall appear to said court, upon depositions regularly taken, that it will be for the interest of the family of said Wooldridge that said tracts of land should be sold, and the proceeds thereof applied to the support of said wife and her children, it shall be lawful for said court to decree that said tracts of land shall be sold on such credit as shall seem best; and said court shall make all necessary orders for a conveyance of the title to said land, by a Commissioner, and shall make all necessary orders for the proper application of the proceeds thereof for the purposes aforesaid.

Approved, February 22, 1843.

## CHAPTER 144.

AN ACT to amend the several acts for the benefit of Shelby College.

Preamble.

**WHEREAS**, it is represented to the General Assembly, that the late Trustees of Shelby Academy assented to that part of an act to incorporate the Shelby College, which authorized the said Trustees to give up and surrender to the Trustees of Shelby College, the land belonging to Shelby Academy. And whereas, the original Board of Trustees of Shelby College, have agreed to transfer, to the present Trustees, all the property held and owned by the original Board, embracing that relinquished to them by the Trustees of the Academy. And whereas, doubts exist as to whether the legal title of the lands belonging originally to the Trustees of the Academy, has been regularly vested in the Trustees of the College. And whereas, it is also represented, that the Trustees are desirous to sell the lands yet unsold, formerly belonging to the Academy, and vest the proceeds in the purchase of real estate adjoining, or near to, the College grounds in Shelbyville: Wherefore,

Commission-  
ers to sell and  
convey Semi-  
nary lands.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Lane, John Cowan, and James Bradshaw, are appointed Commissioners, who, or any two of them, are authorized and empowered to sell and convey, all the lands in the southern part of this State, patented in the name of, or which belonged to, the Trustees of Shelby Academy, and which remain unsold, and to vest the proceeds, either by ex-



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change or re-purchase, in such real estate, more contiguous to the College property, as to them may seem proper, and any conveyance made by the said Commissioners, or any two of them, of the Shelby Academy lands, shall vest the legal title thereto in the purchaser, as fully as the same could be done by any form of conveyance, under the corporate seals of the Trustees of the Academy and College, or either of them.

Approved, February 22, 1843.

#### CHAPTER 145.

AN ACT granting John Trimble a change of venue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the finding of any indictment or indictments, in the Clarke Circuit Court against John Trimble, for stabbing Daniel Jones, it shall be lawful for said Trimble, at the term at which said indictment or indictments may be so found, or at the next term thereafter, upon the calling of said cause or causes for trial, to elect to be tried in the county of Bourbon; and upon his making said election, it shall be the duty of the Judge of the Clarke Circuit Court to cause the consent and election of said Trimble to be entered on the record of said court, and thereupon the said Judge shall order said Trimble to be transported to the Bourbon Circuit Court for trial, and the Clerk of the Clarke Circuit Court, shall transmit to the Clerk of the Bourbon Circuit Court, all papers connected with said prosecution or prosecutions, with a copy of all the orders of the court made in relation thereto: *Provided*, That the Clarke Circuit Court shall not enter such consent and election, until the said Trimble shall deposit, with the Clerk thereof, a sum sufficient to defray the expenses of the removal of the papers, as in cases of changes of venue in civil cases: *And provided further*, That said Trimble shall be admitted to bail for his appearance in the Bourbon Circuit Court, to answer said indictment or indictments, should the Clarke Circuit Court or other competent authority deem his offence bailable.

Venue changed from the Clarke to the Bourbon Circuit Court.

SEC. 2. That in case the said Trimble shall elect to be tried in the county of Bourbon, then the Bourbon Circuit Court shall have power and jurisdiction to try said Trimble for said offence or offences for which he may be indicted, as fully as if said offence or offences had been committed in the county of Bourbon; and shall have power to cause said indictment or indictments to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts in relation to criminal trials, as fully as if said court had original jurisdiction of the case or cases; and in case the indictment or indictments, or either of them, should be quashed on account of any irregularity or other defect, then the Bourbon Circuit Court shall have power to empanel a grand jury for the purpose of finding a new indictment or indict-

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ments, it being the intent and meaning of this act, that in no event shall said Trimble be discharged from said indictment or indictments, for any irregularity whatever, but that a trial of said Trimble, for said offence or offences, shall be had in the Bourbon Circuit Court, in case the said Trimble shall make his election to be tried as above provided for.

SEC. 3. That it shall be the duty of the Clarke Circuit Court to take the recognizances of the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearance of said witnesses in the Bourbon Circuit Court, and for that purpose, subpoenas shall be issued, and other necessary process to compel the attendance of such witnesses before the Bourbon Circuit Court.

Approved, February 22, 1843.

#### CHAPTER 146.

AN ACT to enlarge and define the powers of the Trustees of the town of Madisonville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Madisonville, shall have power to pass all by-laws and ordinances, and adopt rules and regulations concerning and compelling the removal of nuisances from the lots and streets of said town, and to adopt such measures as they may deem expedient to secure and preserve the health of the citizens. They shall have power to build a market house, set apart market hours, appoint a Clerk to the market, and make rules to govern the same. They shall have power to appoint a town Sergeant and a Treasurer, and to prescribe the duration of their offices, and define their particular duties, by ordinances of the Board. They shall have power to erect hay scales, appoint a weigh master, and regulate the manner and price of weighing produce in said scales. They shall have power to pass ordinances prohibiting shooting within the limits of the town, showing of stallions, drunkenness, and all other indecent and improper conduct. They shall have power to remove obstructions from the streets and alleys, and to adopt such rules and regulations for keeping the same in repair, as they may deem expedient. They shall have power to levy and collect a tax on the real and personal estate in said town, subject to taxation, not exceeding twelve and a half cents upon each one hundred dollars, upon the *ad valorem* principle; and also, a poll tax not exceeding fifty cents on each free male person over twenty one years of age. They shall, also, have power to impose a tax, not exceeding fifty dollars, upon the owner or occupier of each and every licensed tavern in said town; and also, to tax all exhibitions, shows, and performances, whether of persons or animals, and to tax all pedlers and auctioneers, in a sum not exceeding two and a half per cent.

on the amount of all goods, wares and merchandize sold by them, for non-residents of said town.

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SEC. 2. *Be it further enacted*, That said Trustees shall have power, generally, to pass by-laws, ordinances, rules, and regulations, for the government and welfare of said town, under adequate fines and penalties, and to impose fines on the members and officers of the Board, who shall fail to attend at regular meetings, or when summoned to attend called meetings, by order of the Chairman: *Provided*, said fines and forfeitures that said Trustees are herein authorized to impose, shall, in no instance, exceed the sum of ten dollars.

SEC. 3. *Be it further enacted*, That the by-laws and ordinances of said Trustees, shall not be in force before the same shall be published at the court house door in said town, by posting a copy thereof, for at least ten days: *And provided further*, That the said by-laws and ordinances shall not be inconsistent with the constitution of the United States nor the constitution and laws of this State.

SEC. 4. *Be it further enacted*, That the town Sergeant shall have power to collect all fines imposed by the Board, and execute all process issued by its order; and that the town Collector shall have the same power to distrain for the town tax, that the Sheriff now has for the revenue tax.

Approved, February 22, 1843.

#### CHAPTER 148.

AN ACT for the benefit of Love Hogan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if Love Hogan shall enter into bond, with good surety, in the County Court of Jessamine county, in such sum as said court shall deem reasonable, payable to her infant children, and with condition to account to them when they come of age, for any slaves, and the increase of any of them in which she claims a dower interest, and shall obtain the assent, in writing, of her adult children, then she may remove said slaves to the State of Missouri, without a forfeiture of her dower interest in them.

Approved, February 22, 1843.

#### CHAPTER 150.

AN ACT legalizing the sale, by the Trustees of the town of Lebanon, of a part of Mulberry street, to R. H. Rountree, and vesting them with power to convey the same by deed.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sale heretofore made by the Trustees of the town of Lebanon, to R. H. Rountree, of that part of

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Mulberry street, situated in said town, lying back of said Rountree's stable, from Harrison street, extending east as far as Mulberry street extends, be, and the same is hereby, legalized, and the Trustees of said town are authorized and vested with full power and authority to convey, by deed, to said R. H. Rountree, his heirs and assigns, the fee simple title to said part of the street aforesaid.

Approved, February 22, 1843.

# CHAPTER 151.

AN ACT granting James Marcum a change of venue.

Preamble.

WHEREAS, it is represented to the present General Assembly, that James Marcum stands indicted in the Pike Circuit Court for the killing of James Muncey, and that owing to the prejudice and influence of many of the citizens of said county, he cannot have a fair trial before a jury of said county—for remedy whereof,

Change of  
venue from  
Pike to Mor-  
gan Circ't Ct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Marcum to appear before the Pike Circuit Court, on the first day of the next term thereof, and make his election to be tried in the Morgan Circuit Court, which election shall be noted on record; and, thereupon, the Pike Circuit Court shall recognize the said Marcum, with good bail, to appear on the first day of the next ensuing term of the Morgan Circuit Court, to answer said indictment; and upon said indictment, and such other proceedings as may have been had thereon, being certified to the Morgan Circuit Court, the said Morgan Circuit Court shall take cognizance of said indictment, and every thing incident or appertaining thereto, in the same manner as if the offence for which said Marcum is indicted had been committed in the county of Morgan, and shall, in case he be found guilty, enter judgment and cause execution thereof, or grant a new trial agreeably to law and the justice of the case, as though said indictment had originated in Morgan county; and all the officers of the Morgan Circuit Court shall perform all the duties pertaining to their respective offices, in relation to said indictment; and the Judge of the Pike Circuit Court shall, in case the said Marcum makes his election as herein provided, recognize the witnesses on the part of the Commonwealth to appear in the Morgan Circuit Court; and the last mentioned court shall proceed upon all such recognizances in the same manner, as if entered into in that court; and in case said indictment shall be found defective, and shall be quashed, or the judgment arrested, said Marcum shall not, for that cause, be discharged, but a special grand jury shall be summoned, if the regular grand jury shall have been discharged,

and a new indictment found, if the evidence will warrant it; and the defendant shall be tried thereon, in the same manner as if the offence had been committed in the county of Morgan.

Sec. 2. The Clerk of the Pike Circuit Court, upon the election of said Marcum being made as herein provided, shall transmit by the Sheriff of Pike county, to the Clerk of the Morgan Circuit Court, the indictment, writ and other papers, with a transcript of all orders made in the case; and said Sheriff shall take a receipt from said Clerk of the Morgan Circuit Court therefor, and shall perform such duty without delay, after the delivery to him of said papers, and shall be allowed six cents per mile in going to and returning from said county of Morgan, to be paid out of the public Treasury, upon the certificate of the Clerk of the Circuit Court of Pike county that said services have been performed.

Sec. 3. That if the Clerk or Sheriff of the Pike Circuit Court shall fail to comply with all or any part of the duties enjoined on them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice, and rule of the court to that effect, in the Pike Circuit Court, in favor of the Commonwealth; which fine or fines, sum or sums, shall be applied as other fines are now applied by law, of a like nature.

Sec. 4. That the Clerk of the Morgan Circuit Court, shall be, and he is hereby, authorized to issue a *venire facias*, *subpoenas*, and all other process, as though the said prosecution had been commenced in his own county.

Sec. 5. That the witnesses attending the Morgan Circuit Court, in consequence of this change of venue, shall be allowed the same pay per day and for mileage, as other witnesses going out of their county under legal process.

Sec. 6. Nothing contained in this act shall entitle the said Marcum to bail, if the Judge of the Pike Circuit Court, or the Judge of the Morgan Circuit Court, should deem that he should not be allowed bail; and should said Judge of the Pike Circuit Court consider that he is not entitled to bail, then the necessary orders shall be made to have him forthcoming in the Morgan Circuit Court, should he elect to be tried there.

Sec. 7. If the said Marcum shall elect to be tried in the Morgan Circuit Court, no objection shall be sustained to the indictment, because the offence may not have been perpetrated in the county of Pike, but in an adjoining county; and judgment shall be given as if the offence were committed in the county of Pike.

Approved, February 22, 1843.

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Clerk to transmit papers.

Penalty on Sheriff & Clerk

Witnesses.

Bail.

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## CHAPTER 152.

AN ACT for the benefit of the voters in the Liberty precinct, in the county of Greenup, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the voters living within the bounds of the Liberty precinct, in Greenup county, shall have the right to vote at any election, at the place of voting in the Old Town precinct, or at the place of voting in the Enterprise precinct in said county.

Precinct in  
Greenup.

**SEC. 2.** *Be it further enacted,* That the Sugg's precinct, in Hopkins county, be changed from the house of Mrs. Sugg, to the house of Richard B. Savage, in the town of Providence, in said county.

In Hopkins.

**SEC. 3.** That the place of voting in the Prewitt's Knob precinct, in Barren county, be changed from the house of E. Dickey to the store house of B. F. Dickey.

In Barren.

Approved, February 22, 1843.

## CHAPTER 153.

AN ACT to authorize certain record books of the Cumberland County Court to be transcribed.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Clerk of the County Court of Cumberland county shall procure suitable record books and transcribe therein the County Court minute book A, beginning at the July term, 1799, and ending at the August term, 1803, and the minute book C, beginning at the January term, 1810, and ending at the August term, 1815; and it shall be his duty to make complete indexes, in alphabetical order, thereto. When said books are complete, they shall be examined by the court, and such examination shall be entered of record, and the approval thereof, and then the records so transcribed therein, shall be deemed as valid, to all intents and purposes, as the original entries.

**SEC. 2.** It shall be the duty of the said County Court to make a levy of a competent sum of money, upon the county, to pay the said Clerk therefor, as other levies of county charges are made.

Approved, February 22, 1843.

## CHAPTER 154.

AN ACT to amend an act for the benefit of the infant children of Cyrus Edwards.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Mercer Circuit Court, upon the petition of Cyrus Edwards, in the name of his infant

children, part of the heirs at law of John Reed Nelson, deceased, being filed in said court, by way of petition, supplemental to that filed in said court, under the act to which this is an amendment, stating the facts of the sale hereinafter named, may, and is hereby, fully empowered, if the court should deem the same advantageous to the interests of the said infant children, of him, said Edwards, to ratify and confirm, so far as his said infant children are concerned, a certain contract, alleged to have been made for them by said Cyrus Edwards, acting by John Green, his attorney in fact, and the other heirs of said John Reed Nelson, deceased, parties of one part, and George Lee, of the other part, dated 23d December, 1837, tendering the sale and purchase of a tract of land on the waters of Salt river, and at the date of the contract in Mercer, now in Boyle county, and by proper decree, authorize and empower said Cyrus Edwards to convey to the purchaser, George Lee, in accordance with the stipulations of the contract aforesaid, all the right, title, interest, and property, his said infant children have, in and to the said tract of land mentioned in the contract.

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Court authorized to decree a conveyance of land.

SEC. 2. *Be it further enacted*, That such conveyance, when so made, shall pass to the said George Lee, and vest in him, all the right, title, interest, and property, which said infant children have in and to said land: *Provided however*, That this act is in no wise to affect any equity which said Lee may have in the premises.

Approved, February 22, 1843.

#### CHAPTER 155.

AN ACT further to regulate the Madison Turnpike and Wilderness road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the contract with the Commissioners of the Madison Turnpike and Wilderness road, entered into by Merit S. Jones, on the 20th of May, 1840, for the purchase of the gate on said road, for five years, be, and the same is rescinded, from and after the 20th day of May next: *Provided*, Said Jones shall, on or before the first day of April next, notify said Commissioners, in writing, that he desires to surrender said gate, and that he accepts the provisions made for him in relation thereto in this act: *And provided further*, That such surrender shall not, in any respect, impair his liability, or that of his securities, in their bond, dated said 20th May, 1840, in relation to said gate, so far as said Jones may be liable upon said bond, up to said 20th May next.

Contract with Jones may be rescinded.

SEC. 2. That in the event of a surrender of said gate by said Jones, as herein provided, said Commissioners are hereby authorized and required, to ascertain the whole amount of money received by said Jones, in tolls for said gate, from the

Settlement with him.

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20th of May, 1840, to the 20th of May next; and if the amount shall fall short of \$1,500 per year, the Commissioners shall allow said Jones for such deficit, and also a sum not exceeding \$125 per year, for keeping said gate from the 20th of May, 1840, to the 20th of May next; and of the amount which may be allowed said Jones, as aforesaid, one third shall be payable by the gate keeper for the time being, out of money received for tolls, in one year from the 20th of May next, one third in two years, and one third in three years, with six per cent. interest.

Gate on said  
road to be dis-  
posed of.

SEC. 3. That upon the surrender of said gate, as herein provided, the Commissioners shall dispose of the same to the highest bidder, for one year from the 20th May next, agreeably to the laws now in force in relation to said gate and road: *Provided*, That said gate shall not be sold for a less sum than \$1,200 per year: *And provided further*, That if said gate will not sell for \$1,200, that said Commissioners shall locate said gate at or near Rockcastle river, and appoint a gate keeper agreeably to the laws now in force, but the salary of such gate keeper not to exceed \$125 per year.

Part of the  
road to which  
this act applies.

SEC. 4. That this act shall apply to only so much of said road as extends from Cox's old stand, in Madison county, to the widow Pittman's, in Laurel county.

Commission-  
ers' pay.

SEC. 5. That the Commissioners shall, from and after the passage of this act, receive for their services one dollar per day, instead of the sum now allowed by law.

Overseers to  
be appointed.

SEC. 6. That it shall be the duty of the Commissioners to appoint one of the overseers to work said road from the county of Lauael.

Approved, February 22, 1843.

#### CHAPTER 159.

AN ACT to amend the law in relation to the Goose Creek Turnpike road, passing through Clay and Laurel counties.

Commission-  
ers appointed,  
and their duty.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Bates, Hugh L. White, and James H. Garrard, of Clay county, be, and they are hereby, appointed Commissioners of the Goose Creek Turnpike road, leading from the Salt Works to the Trough Spring, on the State road leading from the Crab Orchard to Cumberland Gap, whose duty it shall be to manage and expend all moneys arising from the tolls on said road, in its improvement.

Overseer ap-  
pointed, and  
his duty and  
pay, on road  
from salt works  
to Laurel.

SEC. 2. That Frederick Lynks, of Clay county, be, and he is hereby, appointed overseer, to work said road from the Salt Works to the Laurel county line; and for his services, as such, shall be allowed one dollar per day, whilst engaged on said road for its improvement, to be paid out of the gate fund, under the direction of said Commissioners.



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SEC. 3. That Harrison Porter, of the county of Laurel, be appointed overseer, to work on said road from the Clay county line to the Trough Spring, on the Crab Orchard and State road; and for his services, he shall be entitled to the sum of one dollar per day, whilst engaged on said road in its improvement, to be allowed and paid to him out of the gate fund, as before directed.

Overseer appointed on road from Clay line to the Trough spring; his duty and pay.

SEC. 4. That it shall be the duty of said Commissioners to compel and direct said overseers to work the old road leading by the Cross roads, in the county of Laurel, and on to the Crab Orchard road, as aforesaid.

Old road to be worked.

SEC. 5. That said Commissioners shall, once in every year, make out a list of all matters and things, debts, dues, and demands, with the expenditures in and concerning said road, and report the same to the Clay County Court, which is vested with full power and authority to settle with said Commissioners, pass vouchers and receipts in relation to the management and conduction of said road; and the Commissioners, for services rendered whilst engaged in the making said settlement with the County Court aforesaid, and with the overseers aforesaid, they shall receive one dollar per day.

Commissioners to make settlements.

Compensation to Com'rs.

SEC. 6. That the County Court of Clay shall make an order on their record book, allowing the pay to said Commissioners, a majority of all the Justices in commission being present.

County Ct to allow Commissioners pay.

SEC. 7. That before said Commissioners shall enter upon their duties, they shall take an oath before some Justice of the Peace, faithfully and impartially to perform their duties.

Comm'rs to take oath.

SEC. 8. That Robert Cornett, the present gate keeper, shall be retained in office, and the gate shall remain at his house; but if said Commissioners shall, at any time, for good cause shown, be of opinion that said gate keeper ought to be removed, they are vested with power to remove him, and fill the vacancy with some qualified and discreet person; and after filling such vacancy, may move the gate to any point where, in their opinion, the best interest of the road may demand.

Gate keeper.

SEC. 9. That the gate keeper shall enter into bond in the County Court aforesaid, with good and sufficient security; and the gate keeper shall receive the same compensation as under the former laws.

Gate keepers' bond.

SEC. 10. That if either of said overseers, or both, shall die, remove, or refuse to accept, said Commissioners are empowered to fill such vacancy or vacancies from the county where such vacancy or vacancies may happen, having due regard to qualification and responsibility.

Vacancies—how filled.

SEC. 11. That for good cause, said Commissioners may, at any time, remove either of said overseers.

Overseers may be removed.

SEC. 12. If either or all of said Commissioners shall die, remove, or refuse to act, the County Court aforesaid, may appoint some suitable person or persons to fill such vacancy or vacancies as may happen.

Vacancies in office of Com'rs.

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Implements  
and tools to be  
divided.

SEC. 13. That all implements and tools belonging to said road, shall be equally divided between said overseers, and by and with the approbation of said Commissioners, may purchase any other tools or instruments for the use of the road, all of which shall be subject to the control of the aforesaid Commissioners.

Rates of toll.

SEC. 14. That the rates of toll at said gate shall be as follows, to-wit: for each horse, jack, mule or jennet, led or driven, six and one fourth cents; for each head of cattle, three cents; for each head of hogs, two cents; for each head of sheep, one cent; for every cart, wagon, barouche, dearborn, gig, or other vehicle, drawn by one horse, twelve and a half cents; for any such drawn by two oxen or horses, twenty five cents; for each family carriage or hackney coach, employed in the transportation of persons drawn by two horses or mules, twenty five cents; for each wagon drawn by four horses or mules or oxen, fifty cents; for each wagon drawn by five horses, mules or oxen, fifty six and one fourth cents; for each wagon drawn by six horses, mules or oxen, sixty two and one half cents; for each man with single horse, twelve and one half cents.

Penalty for  
evading pay-  
ment of toll,  
and how recov-  
ered.

SEC. 15. If any person or persons shall, with intent to defraud, and evade payment of toll in any manner or shape, it shall and may be lawful for the gate keeper to apply to any Justice of the Peace in this Commonwealth, and obtain a warrant against such person or persons so offending, and have him, her, or them, forthwith brought before some Justice of the Peace; and if such Justice shall be of opinion, after hearing the evidence, that such person or persons be guilty, he shall enter judgment for a sum not less than two dollars and fifty cents, and not more than five dollars, and costs; and execution shall issue thereon, and be collectable in like manner as other debts in this Commonwealth of like amount.

Exemptions  
from toll.

SEC. 16. That the citizens of Clay county, in their ordinary business, shall not be required to pay toll; but if such citizens shall pass out of the county of Clay, then they shall be required to pay toll as all others do, at said gate, and at the same rate.

Citizens re-  
quired to work  
on road.

SEC. 17. That all persons living within one half mile of said road, shall work two days in each year on said road; and the County Courts of Laurel and Clay shall not compel them to work on any other road.

Approved, February 24, 1843.

CHAPTER 160.

1843

AN ACT to change the place of voting in the Red river precinct, in Montgomery county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the Red river election precinct, in Montgomery county, shall hereafter be at the store house of James Bradshaw, instead of John E. Martin.

SEC. 2. That the place of voting in the election precinct on the left hand fork of Beaver creek, in the county of Floyd, be changed to the house of Hiram Sloan, on said fork.

Approved, February 24, 1843.

CHAPTER 161.

AN ACT to provide that the Sheriff of Campbell county may execute his official bonds, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriff of Campbell county, may execute, and the County Court of Campbell county may receive, the official bonds of said Sheriff, at their next or any subsequent term, and the said bonds shall be as effectual and binding upon the said Sheriff and his securities, as if they had been executed at the time prescribed by law.

SEC. 2. *Be it further enacted,* That the bonds executed by Henry Taylor and his securities, as Sheriff of Marion county, and as Collector of the revenue and county levy in said county, at the February term, 1843, of said court, be, and they are hereby, legalized, made valid, and as obligatory in law, as if executed at the January term, 1843, of said court.

Approved, February 24, 1843.

CHAPTER 162.

AN ACT for the benefit of Henry O. Beatty.

WHEREAS, it is represented to the present General Assembly, that a patent issued from the Commonwealth of Kentucky to Charles F. Hanna, assignee of Stephen Hanna, for the south-east quarter of section twenty, range five east, when in fact it should have been range five west, the entry on the Receiver's books being right, but the certificate being erroneously issued: and whereas, it also appears that H. O. Beatty is the owner of said land intended to be appropriated, and that there is no conflicting claim to the same—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the Land Office be, and he is hereby, authorized and directed to issue to said Henry O.

1843

Beatty, a patent for said tract of land, known as the south-east quarter of section twenty, range five west; and the patent heretofore issued to Charles Hanna, upon issuing the patent hereby authorized, shall be, and is hereby, declared null and void.

Approved, February 24, 1843.

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CHAPTER 164.

AN ACT to reduce the number of Constables in the county of Mercer, and for other purposes.

Mercer City  
Court may re-  
district and ap-  
point Constables, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Mercer county, shall have the power, if they deem it expedient, at any time after the passage of this act, to re-district the several Constables' districts in said county, so as to reduce the number of Constables in said county to any number not exceeding ten; and from time to time thereafter to alter or change said districts so as to do justice to every portion of said county: *Provided*, That not exceeding four districts shall include any portion of the town of Harrodsburg, and a majority of all the Justices of the Peace being present when said districts are formed, and said Constables are appointed.

Police Judge  
and Marshal  
of Harrodsburg  
— jurisdiction  
of curtailed.

SEC. 2. *Be it further enacted*, That from and after the first day of April next, the Police Judge of the town of Harrodsburg, in the county of Mercer, and the town Marshal of said town, be, and they are hereby, restricted in their duties, as such, within the limits of said town: *Provided however*, That the said Police Judge, and Marshal, shall have full power and authority to close up all business commenced before said Police Judge, by carrying the same into complete execution; and all acts or parts of acts extending their jurisdiction beyond the limits of said town, be, and the same are hereby, repealed.

Bath County  
Court may re-  
district Con-  
stables' dis-  
tricts, &c.

SEC. 3. *Be it further enacted*, That the number of Constables in the county of Bath shall be reduced to the number of eight, and the County Court of Bath shall, at their October or November terms, re-district said county, and shall have the power to alter or change the same, agreeably to the first section of this act: *Provided*, That this act shall not operate so as to exclude Allen Menifee from office before his official bond expires.

Approved, February 24, 1843.

## CHAPTER 168.

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1843

AN ACT to change the name of Fayette Clinton to that of Ewing.

WHEREAS, in gratitude to his benefactor, Fayette Clinton is desirous of assuming the name of Ewing—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Fayette Clinton may and shall hereafter be called and known by the name of Fayette C. Ewing.

Approved, February 27, 1843.

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## CHAPTER 170.

AN ACT allowing an additional Justice of the Peace to the county of Lincoln.

WHEREAS, it is represented that the people of Hustonville, and the vicinity, are in need of a Justice of the Peace—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Lincoln shall be allowed one additional Justice of the Peace.

Approved, February 27, 1843.

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## CHAPTER 171.

AN ACT to authorize the County Court of Fayette to pay for an addition to the Circuit Court Clerk's office, in the city of Lexington.

WHEREAS, it is represented to the General Assembly, that the County Court of Fayette caused to be built, within the last year, a small addition to the Circuit Court Clerk's office, in the city of Lexington, which building is intended to be used as a Sheriff's office: and whereas, doubts are entertained as to the power of said court to make the necessary appropriation to pay for said building—wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court aforesaid, shall have full power and authority to pay for said building out of the county levies of one thousand eight hundred and forty three, and one thousand eight hundred and forty four, or out of either of them.

Approved, February 27, 1843.

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## CHAPTER 172.

AN ACT allowing an additional Justice of the Peace to the county of Garrard.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the citizens of Garrard

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county, residing in the vicinity of Bryantsville, in said county, stand in need of a Justice of the Peace—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Garrard shall be entitled to one additional Justice of the Peace.

Approved, February 27, 1843.

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CHAPTER 173.

AN ACT for the benefit of Frances Dawson, of Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between James W. Dawson and Frances Dawson, of Garrard county, be, and the same is hereby, dissolved, so far as relates to said Frances, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name, Frances Young.

Approved, March 2, 1843.

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CHAPTER 174.

AN ACT for the benefit of Andrew Livingston.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contract heretofore existing between Andrew Livingston and Sarah Livingston, his wife, be, and the same is hereby, dissolved, so far as respects the said Andrew, and he is restored to all the rights and privileges of an unmarried man.

Approved, March 2, 1843.

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CHAPTER 175.

AN ACT to amend the charter of the Fireman's Insurance Company of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the charter of the Fireman's Insurance Company of Louisville, shall be so amended that any person holding five shares, or more, of stock in said Company, shall be eligible as a Director therein: *Provided,* That a majority of the stockholders shall assent thereto at a meeting to be called for that purpose.

Approved, March 2, 1843.

## CHAPTER 176.

1843

AN ACT for the benefit of the Sheriffs of Hickman and Christian counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor be, and he is hereby, directed to allow the Sheriff of Hickman county a credit in his settlement with said Sheriff for the revenue due from said county for the year 1842, the amount certified to said Sheriff for payment by E. A. Daniel, Justice of the Peace for said county, said certificate having been granted to Benjamin Stacy, on the 20th of June, 1842, for three wolf scalps.

SEC. 2. *Be it further enacted*, That the Second Auditor be, and he is hereby, directed to allow the Sheriff of Christian county a credit in his settlement with said Sheriff for the revenue due from said county for the year 1842, the amount certified to said Sheriff for payment by William A. Simms, a Justice of the Peace for said county, said certificate having been granted to John Knight, on the 16th day of September, 1842, for three wolf scalps.

Approved, March 2, 1843.

## CHAPTER 177.

AN ACT for the benefit of Deborah Chamberlin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between James Chamberlin and Deborah Chamberlin, his wife, be, and the same is hereby, dissolved, so far as relates to said Deborah, and she is restored to all the rights and privileges of an unmarried woman, and to her maiden name of Deborah Worley.

Approved, March 2, 1843.

## CHAPTER 178.

AN ACT for the benefit of Mark A. Coulter.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Mark A. Coulter, of Casey county, and Henrietta, his wife, be, and the same is hereby, dissolved, so far as respects the said Mark A., and he is restored to all the rights and privileges of an unmarried man.

Approved, March 2, 1843.

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## CHAPTER 179.

AN ACT to divorce Emily Davison.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Emily Davison, of Hancock county, and her husband, Joseph Davison, be, and the same is hereby, dissolved, so far as respects the said Emily, and that she be restored to all the rights and privileges of an unmarried woman, and retain possession of her infant child.

Approved, March 2, 1843.

## CHAPTER 180.

AN ACT for the benefit of Sarah K. Allen.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between George W. Allen and Sarah K. Allen, be, and the same is hereby, dissolved, so far as relates to the said Sarah, and that her name be changed to her maiden name, Sarah K. Foster.

Approved, March 2, 1843.

## CHAPTER 181.

AN ACT for the benefit of Arena W. Evans.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Arena W. Evans, of Livingston county, and James M. Evans, be, and the same is hereby, dissolved, so far respects the said Arena, and that she be restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 182.

AN ACT to divorce Bryce Patrick and Rebecca Patrick.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between Bryce Patrick and Rebecca Patrick, be, and the same is hereby, dissolved, and they are restored to the rights and privileges of unmarried persons, and the said Rebecca to her maiden name, Rebecca Prater.

Approved, March 2, 1843.



## CHAPTER 183.

1843

AN ACT divorcing Mary Roney, of Warren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Roney, of Warren county, be, and she is hereby, divorced from her husband, Benjamin E. Roney, and restored to all the rights and privileges of a *feme sole*, and that she be restored to her maiden name, Mary Haley.

Approved, March 2, 1843.

## CHAPTER 184.

AN ACT to divorce Ann Vanarsdall.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract existing between Peter Vanarsdall and Ann Vanarsdall, his wife, be, and the same is hereby, dissolved, so far as relates to said Ann, and she is restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 185.

AN ACT for the benefit of Elizabeth Mitchell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elizabeth Mitchell, of Mercer county, be, and she is hereby, divorced from her husband, William Mitchell, and restored to all the rights and privileges of a single woman, and also, to her maiden name, Elizabeth Cozine.

Approved, March 2, 1843.

## CHAPTER 186.

AN ACT for the benefit of Robert C. Holland and Elizabeth F. Holland.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between Robert C. Holland and Elizabeth F. Holland, be, and the same is hereby, dissolved.

Approved, March 2, 1843.

## CHAPTER 187.

AN ACT for the benefit of Mary Runner, of Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing

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between Robert Runner and Mary Runner, his wife, of Nelson county, be, and the same is hereby dissolved, so far as respects the said Mary, and that she be restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 188.

AN ACT divorcing Mary Robinson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Robinson shall be, and she is hereby, divorced from her husband, James Robinson, and restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 189.

AN ACT to divorce Nancy W. Smith.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract existing between William Smith and Nancy W. Smith, his wife, be, and the same is hereby dissolved, so far as relates to said Nancy, and she is restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 190.

AN ACT for the divorce of Granderson G. Goodwin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Granderson G. Goodwin and Sarah Ann Goodwin, be, and the same is, forever dissolved, so far as relates to the said Granderson G. Goodwin, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, March 2, 1843.

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CHAPTER 191.

AN ACT for the benefit of Mary Davis, of Fayette county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Davis, of Fayette county, be, and she is hereby, restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 192.

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AN ACT for the benefit of Mary M. Shawhan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Joseph Shawhan and Mary M. Shawhan, be, and the same is hereby, dissolved, so far as relates to the said Mary M., and that she be restored to all the rights and privileges of an unmarried woman, and to her maiden name, Mary M. Birch.

Approved, March 2, 1843.

## CHAPTER 193.

AN ACT for the benefit of Lucinda S. Smart, and Eliza McKnight.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between William D. Smart and Lucinda S. Smart, be dissolved, so far as it relates to the said Lucinda, and that she be restored to all the rights and privileges of an unmarried woman.

**SEC. 2.** *Be it further enacted*, That the marriage contract heretofore existing between Eliza McKnight and James McKnight, be, and the same is forever dissolved, so far as relates to the said Eliza, and she is hereby restored to her maiden name, Eliza Triplett, and to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 197.

AN ACT to reduce the number of Justices and Constables to the county of Casey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the offices of Justice of the Peace and Constable, in the county of Casey, as the same may become vacant, by death or otherwise, be, and the same are hereby, abolished, until the number of Justices of the Peace and Constables, respectively, in said county, shall be reduced to thirteen.

Approved, March 2, 1843.

## CHAPTER 198.

AN ACT to amend the road law of the county of Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Campbell county is

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authorized and required to pay to the Road Commissioners, Overseers, and others, the moneys which may be due them, for services under the road law of said county, heretofore repealed, out of the road fund of said county.

Approved, March 2, 1843.

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CHAPTER 199.

AN ACT for the benefit of the Sheriffs of Montgomery and Scott counties, and for other purposes.

*Sheriffs of Montgomery & Scott.* SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Sheriffs of Montgomery and Scott counties shall have until the first day of June next to make out and return their delinquent lists for the year 1842, and the Second Auditor is directed to receive and credit the same in the same manner as if said delinquent lists had been returned according to the present law.

SEC. 2. That if said Sheriffs settle by the first day of June next, the balance due from them, they shall be released from all damages that have or may accrue.

*Montgomery County Court.* SEC. 3. *Be it further enacted,* That if the County Court of Montgomery county should find it necessary, a majority of all the Justices being present, they may lay an additional levy sufficient to cover the claims against said county.

*Mountsterling Academy.* SEC. 4. *Be it further enacted,* That the charter of the Mountsterling Academy, for the education of females, be so amended as to read, for the education of males and females.

Approved, March 2, 1843.

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CHAPTER 200.

AN ACT for the benefit of the heirs of Robert Bell, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for John A. Steele, of Christian county, Kentucky, as the next friend for the infant heirs and widow of Robert Bell, deceased, to file his petition to the Chancellor, in the Christian Circuit Court, for the purpose of obtaining the assent of the Chancellor to the appropriation, by the said Steele, of the sum of five hundred dollars, which is now in his hands, to the purchase of a house and lot in the town of Hopkinsville, for the use and benefit of the said widow and said heirs, for the purpose of furnishing them with a home; and it may be lawful for the said Chancellor, upon his being satisfied from the facts of the case that it would be to the interest of said heirs for said investment to be made, then he shall render a decree authorizing said purchase to be made, and deeds to be taken from the vendor, to said heirs,

with general warranty, and the same to be recorded in the proper office; and the said decree shall be an authority to the said Steele for the making said purchase.

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Approved, March 2, 1843.

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CHAPTER 201.

AN ACT for the benefit of Elizabeth Williams.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Graves county to admit the will of William Harris, deceased, a free man of color, to record, on the proof of said will by the subscribing witness, John Stafford; and in case of the death or removal of said John Stafford, to admit the said will to record on the proof of his hand writing; and said will, so admitted to record, shall be as good and valid, to all intents and purposes, as if there had been two subscribing witnesses to the same.

Approved, March 2d, 1843.

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CHAPTER 202.

AN ACT for the benefit of Andrew Lewis.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George W. Meriwether, administrator of the estate of Michael Lewis, deceased, is hereby authorized and empowered to manumit and set free, Andrew Lewis, a free boy of color, under such restrictions as the County Court of Jefferson county may impose. It appearing that the said Andrew Lewis was purchased by his father, Michael Lewis, alias, Michael Leright, a free man of color, now deceased, and that said Michael has left no heir or representative, except said Andrew, and that the debts of said Michael have been fully discharged; and said Andrew is, hereby, made capable of taking, by inheritance, the estate of his deceased father.

Approved, March 2, 1843.

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CHAPTER 204.

AN ACT for the benefit of Jonathan Williams, late Sheriff of Russell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jonathan Williams, late Sheriff of Russell county, be, and he is hereby, released from the per centum recovered against him in the General Court, as damages, for failing to pay over the revenue of said county for the year one thousand eight hundred and forty one.

Approved, March 2, 1843.

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## CHAPTER 205.

AN ACT to provide for a change of venue in the prosecution against Isaac Wesley Caldwell.

## Preamble.

WHEREAS, it is represented to this present General Assembly, that Isaac Wesley Caldwell, stands recognized to appear at the next term of the Warren Circuit Court, to answer a charge of larceny, and that he cannot have a fair trial in the county of Warren, by reason of the influence of those by whom he is prosecuted, in said county—wherefore,

Changed to  
Allen Circuit  
Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon an indictment being found against the said Caldwell, upon the charge for which he stands recognized, as aforesaid, a change of venue is hereby granted the said Caldwell, for the trial of such indictment, upon the election and consent of the said Caldwell, on the calling of said indictment, being entered upon the records of the Warren Circuit Court, that he prefers to be tried in the Allen Circuit Court.

Duty of the  
Warren Cir-  
cuit Court.

SEC. 2. When the said Caldwell shall have made his election to be tried in the Allen Circuit Court, then, and in that event, it shall be the duty of the Judge of the Warren Circuit Court to make all the necessary orders, and to do all things necessary to secure the appearance and trial of the said Caldwell, in the Allen Circuit Court.

Jurisdiction  
of Allen Cir-  
cuit Court.

SEC. 3. That when the said indictment shall have been removed from the Warren to the Allen Circuit Court, and the said Caldwell committed to the jail, or recognized to appear in the Allen Circuit Court, then, and in that case, the Allen Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment as though the same had been found in said court; also, to require the attendance of witnesses, and to do all things required, to insure a fair and speedy trial of the said Caldwell; and on said election being made, it shall be the duty of the Warren Circuit Court, to have the witnesses, as well for the Commonwealth as the defendant, recognized to appear in the Allen Circuit Court, to give testimony in said case; and if, for any cause, the indictment should be insufficient, it shall be lawful, because of said election, for a new indictment to be found in the county of Allen; all orders in reference to said prosecution shall be duly certified to the Allen Circuit Court by the Clerk of the Warren Circuit Court.

Witnesses to  
be recognized,  
&c.

Approved, March 2, 1843.

## CHAPTER 206.

1843

AN ACT to authorize a change of venue in the case of the Commonwealth against Sam, a slave.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Sam, a slave, belonging to George Estes, to appear in the Owen Circuit Court, in custody, on the first, second, or third day of the next term thereof, and make his election to be tried in the Grant Circuit Court, for the crime of murder, with which he stands indicted in the said Owen Circuit Court, which election shall be entered of record; and, thereupon, it shall be the duty of said court to award to said Sam a change of venue, in said case, to the said county of Grant, as he may elect; and, thereupon, the Judge of the said Owen Circuit Court, shall direct and order the Sheriff of Owen county, forthwith, or within ten days thereafter, to convey said Sam to the jail of Grant county, and deliver him to the Jailer of said county of Grant, who is hereby authorized and directed to receive into his jail and custody, the body of the said Sam, and to give said Sheriff a receipt therefor; and the said Sheriff shall be allowed the same as is now allowed by law, for similar services; and the said court shall recognize all the witnesses for the Commonwealth, in said prosecution, to appear on the second day of the next May term of the Grant Circuit Court; which recognizance shall be as obligatory on the witnesses, as any other recognizances are, when taken by virtue of any law now in force on that subject; copies of which recognizances shall be transmitted, with the other papers belonging to the prosecution, to the Clerk of the Grant Circuit Court, and be as binding, and subject to the like proceedings, as other legal recognizances now are.

May elect to be tried in Grant, and duty of the Owen Circuit Court.

SEC. 2. That as soon as possible after the order of election, made as aforesaid, the Clerk of the Owen Circuit Court shall make out copies of all the orders, together with all the recognizances taken in said court, in said prosecution, and shall cause the same, together with copies of the indictment, and other papers filed therein, to be conveyed and delivered to the Clerk of the Grant Circuit Court, and take his receipt for the same; and the said Clerk shall be allowed the same compensation therefor, per mile, as in change of venue in civil cases or suits, the allowance to be made by the Owen Circuit Court, and the same to be paid out of the Treasury; and the said Clerk of the Grant Circuit Court is authorized to issue subpoenas, and all other process, as though the indictment had been found in said court: and the said Grant Circuit Court shall possess the same power and authority to try said Sam, on said indictment, as they would have had, if the said offence had been committed in Grant county; and the prosecution shall, in all respects, be conducted as though the offence had been committed in said county of Grant.

Duty of Clerk Owen Circuit Court.

Duty of Clerk Grant Circuit Court.

Jurisdiction Grant Circuit Court.

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Pay of witnesses.

Trial may be had on copy of indictment.

**SEC. 3.** *Be it further enacted*, That the witnesses attending the Grant Circuit Court, by recognizance or subpoena, shall be allowed the same, per day, and for travelling, as other witnesses going out of the county, by legal process: *Provided however*, That when the party aforesaid, shall be inquired of by the Judge, whether he elect to be tried in said county of Grant, he shall also inquire of him, whether he is willing that his trial shall take place on a copy of the indictment filed against him in said case, and that it shall, to all intents and purposes, be used, and have the same effect as if the original indictment was present in said Circuit Court of Grant; and if he answer in the affirmative, his consent shall be entered on record, with the order concerning his election; but if he answer in the negative, the venue shall not be changed.

Approved, March 2, 1843.

## CHAPTER 207.

AN ACT for the benefit of William K. Allan and wife.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore solemnized between William K. Allan and Matilda Clore, be, and the same is hereby, legalized.

Approved, March 4, 1843.

## CHAPTER 208.

AN ACT for the benefit of Coonrod Havens and Sally Gustin.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts be, and he is hereby, authorized and directed to issue a warrant on the Treasury of the State, in favor of Coonrod Havens, for the sum of fifty dollars, being a compensation for keeping and supporting Lucy Bradford, a lunatic, from the first day of January, 1842, to the first day of January, 1843, to be paid out of any money in the Treasury not otherwise appropriated.

**SEC. 2.** *Be it further enacted*, That the Second Auditor of Public Accounts be directed to issue his warrant on the Treasury, in favor of Sally Gustin, for the sum of thirty dollars, being a compensation for keeping and supporting David Gustin, her son, a lunatic, from the 1st day of January, 1843, to the 1st day of January, 1843, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 4, 1843.



## CHAPTER 209.

1843

AN ACT to increase the jurisdiction of the Trustees of the town of Owenboro'.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the jurisdiction of the Trustees of the town of Owenboro' shall be, and is hereby, extended over all that part of said town, down to low water mark, and they shall have power to keep the wharf and landings, in front of said town, free of all boats or obstructions, and no person or persons shall keep any boat or floating wharf, or boat store, at the landing on the river, opposite to said town, without the permission of said Trustees; and any person or persons offending against the provisions of this act, may be fined in any sum, by said Trustees, as they may provide by the by-laws of said town, not exceeding ten dollars for each day any such obstructions, boat, wharf, or floating boat store may be kept in front of said town, contrary to the will and permission of said Trustees, and said fine may be recovered before any Justice of the Peace or court having jurisdiction thereof.

Approved, March 4, 1843.

## CHAPTER 211.

AN ACT for the benefit of William T. Meaders.

WHEREAS, it is represented to the present General Assembly, that a patent issued on the 22d day of January, 1834, to Ezekiel Bailey, for thirty five acres of land, lying opposite the county of Whitley, in the State of Tennessee, and founded on Kentucky Land Office Warrants, Nos. 362 and 370: And whereas, it appears from an affidavit of Joseph Gilles, (the surveyor of Whitley county,) filed, and other evidence, that said land belonged to William T. Meaders—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be authorized and required to issue a new patent to William T. Meaders for the before mentioned land.

Approved, March 4, 1843.

## CHAPTER 213.

AN ACT for the benefit of the Board of Commissioners of Internal Improvement of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the loan of the sum of three thousand dollars, made by the Board of Commissioners of Internal Improvement for McCracken county, in December, 1836, to John

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Hynes and others, be, and the same is hereby, legalized, as much so, to all intents, as if it had been lawful to make said loan at the time: *Provided however*, That nothing in this act shall impair or change any rights of the County Court of Ballard county, to sue for and recover any part or portion of said money, in as full and ample a manner as if this act had never passed.

Approved, March 4, 1843.

## CHAPTER 214.

AN ACT to incorporate the Trustees of the Washington Presbyterian Church, in Mason county.

Corporators' names.

Name, and style, and powers.

May purchase lot or lots of ground.

Vacancies—how filled.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Ward, Joseph Stevenson, William Richey, Marshall Key, Robert Taylor, Jr., Joseph Forman, Jr., Alexander Hunter, James Ward, Jr., Charles A. Marshall, Francis T. Chambers, John A. M'Clung, Andrew Wood and Benjamin Harbison, and their successors, be, and they are hereby, created a body corporate, by the name and style of the Trustees of the Washington Presbyterian Church, and by that name shall have perpetual succession, and a common seal, may sue and be sued, plead and be impleaded in any court of law or equity in this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to purchase and hold, by deed of conveyance, a suitable lot or piece of ground for the erection of a Church and burial ground, and to purchase and hold, by deed of conveyance, to them and their successors, a suitable house and lot or lots of ground, for a parsonage, and to sell, exchange and convey the same hereafter, at their discretion; which said purchases, conveyances and seizures, shall be subject to the same regulations and provisions as deeds of conveyance are now subject by the laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That all vacancies which may occur, by death, resignation, or removal, in said Board of Trustees, shall be filled by the concurrence of the session and congregation, or members in full communion in said church. The General Assembly reserves the power to amend or repeal this act at any time.

Approved, March 4, 1843.

## CHAPTER 215.

AN ACT to change the name of Mary Ann Mason.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of Mary Ann Mason, of the county of Marion, be changed to that of Mary Ann McElroy, and that she be, hereafter, known and called by that name.

Approved, March 4, 1843.

CHAPTER 216.

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AN ACT to amend the laws in relation to the Goose creek Turnpike road, in the counties of Knox and Clay, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jennings Ballinger, James White, and Samuel Chastain, of the county of Clay, be, and are hereby, appointed Commissioners of the Goose creek Turnpike road, leading from the Goose creek Salt works, in Clay county, to the Turnpike gate on Cumberland river, in Knox county.

Commissioners appointed.

SEC. 2. That the aforesaid Commissioners shall have entire and absolute control of all moneys received at the gate on said road, for the benefit of said road, as provided by law at the present time.

Commissioners to control moneys.

SEC. 3. That it shall be the duty of said Commissioners to call upon the gate keeper and compel him to give bond and good security for the faithful performance of his duties; and said Commissioners shall have the power, and it is hereby made their duty, to cause the gate keeper to make out a list of all matters and things concerning said road, and report them to said Commissioners, as soon as may be practicable, after the passage of this act, and at the end of every six months thereafter.

Gate keeper to give bond, and to settle with Comm'rs.

SEC. 4. That said Commissioners be, and they are hereby, empowered to employ a Surveyor or Surveyors, as they may deem most expedient, to keep said road in repair, and for whose services they may allow any compensation, not exceeding one dollar per day, they may deem right; and said Commissioners shall, at least once in every year, settle with the Surveyor or Surveyors of said road for all work done thereon; and after fully investigating his or their accounts, shall draw their warrant upon the gate keeper for payment thereof.

Surveyors to be appointed, and their compensation.

SEC. 5. That before said Commissioners shall enter upon the discharge of the duties imposed upon them by this act, they shall take an oath before some Justice of the Peace, for the faithful and prompt discharge of their duties.

Commissioners to take an oath.

SEC. 6. That all persons bound to work on the public roads, living within one half mile of said road, shall work four days in each year, on the road, when called on by the Surveyor or Surveyors to be appointed under the provisions of this act, and in default of appearing with suitable tools, to work on said road, when duly notified by the Surveyor or Surveyors aforesaid, shall forfeit and pay one dollar for each day they fail to attend, recoverable before any Justice of the Peace; but at least three days written notice shall be given, of the time and place of working, by some one duly authorized by the Surveyor or Surveyors aforesaid, and the County Courts shall have no power to compel them to work on any other road.

Persons bound to work on road and penalty for failure, & how recovered.

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SEC. 7. That said Commissioners shall be entitled to one dollar and fifty cents per day, for their services, whilst actually engaged in the discharge of their duties.

Exemptions  
from working  
road.

SEC. 8. That no one living on the south side of Cumberland river, below the ford at Renfro's ferry, shall be compelled to work said road.

To apply to  
Flat lick road,  
&c.

SEC. 9. That the provisions of this act shall apply to that portion of the Goose creek road, leading from the Flat lick, in Knox county, to R. Wickliffe & Co's. old store house, in Clay county.

Tolls receiv-  
ed how applied,  
and duties of  
gate keeper.

SEC. 10. That all the toll received at the Turnpike gate above Cumberland Ford, from persons, wagons, and other vehicles, who travel the Stinking creek road, shall be applied to keeping said Stinking creek road in repair; and it shall be the duty of the gate keeper to keep a correct account of the tolls received of those who travel said Stinking creek road, in a separate book, kept by him for that purpose; and he shall take an oath, to duly inquire of all persons passing to the Goose creek salt works, which road they intend travelling.

Exemptions  
from tolls.

SEC. 11. All wagons loaded with salt shall pass the Turnpike gate free of toll.

Repealing  
clause.

SEC. 12. All acts conflicting with the provisions of the foregoing act, are hereby repealed.

Approved, March 4, 1843.

#### CHAPTER 217.

AN ACT for the benefit of Fielding Smithey, and others.

WHEREAS, it is represented to the present General Assembly, that there are prosecutions now pending in the Anderson Circuit Court against Fielding Smithey, Catharine Smithey, John Smithey, and James Smithey, for perjury, and owing to the prejudices of the citizens of said county against them, they cannot have a fair and impartial trial in said court—for remedy whereof,

Changed to  
Mercer Circuit  
Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the calling of said indictments, and upon the said defendants being brought to the bar of said court, it shall be lawful for them to elect to be tried in the Mercer Circuit Court.

Defendants  
to be recogniz-  
ed.

SEC. 2. That in the event of said defendants electing to be tried in the Mercer Circuit Court, it shall be the duty of the Anderson Circuit Court to take recognizances of bail of said parties respectively, to appear and answer said indictment in the Mercer Circuit Court, and on failure of any of them to give such bail, to make such order as will be proper for commitment to the Jail of Mercer county, so that they may be before the Mercer Circuit Court, to answer to the said prosecutions; and it shall be the duty of said court, to take cognizance of

said prosecutions in the same manner, and under the same rules and regulations of law, as though the said offences had originated in said county of Mercer; and upon the trial of the same, said court shall have and possess power to pronounce judgment, and cause the same to be executed.

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Jurisdiction  
of Mercer Cir-  
cuit Court.

SEC. 3. That it shall be the duty of the Clerk of the Anderson Circuit Court, in case said election be made, to make out a full and complete transcript of all orders made in said court in said prosecutions, which, together with all the papers on file in them, he shall forward to the Clerk of the Mercer Circuit Court, by the Sheriff of his county, taking his receipt for the same, which duty shall be performed by said Sheriff with all possible dispatch.

Clerk Anderson to transmit papers.

SEC. 4. That the Clerk of the Mercer Circuit Court, after having received the said records and papers, shall have full power to issue subpoenas, attachments, and other process which may then or thereafter become necessary on the trial of said indictments.

Clerk Mercer to issue process.

SEC. 5. That the witnesses attending the Mercer Circuit Court, upon said indictments, by recognizance or subpoena, shall be allowed the same, per day, and for travelling, as other witnesses going out of the county by legal process; and on such election being made, it shall be the duty of the Anderson Circuit Court to recognize the witnesses, as well for the defendants as the Commonwealth, to appear in the Mercer Circuit Court and testify in said cases, and if said indictments, or either of them, shall be defective, it shall be lawful for a new indictment or new indictments to be found in Mercer county.

Witnesses' pay.

Witnesses to be recognized.

Approved, March 4, 1843.

#### CHAPTER 220.

AN ACT to amend an act incorporating the town of Bedford, in the county of Henry, now in the county of Trimble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the successors of the Trustees appointed by said act, for the town of Bedford, be, and they are hereby, vested with the same power and privileges that was granted to said Trustees by the above recited act; and all conveyances made, or which may hereafter be made by the successors of said Trustees, or their successors, shall be as valid and binding as though the conveyances had been made by the Trustees named in the original act.

Approved, March 4, 1843.

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between Robert Runner and Mary Runner, his wife, of Nelson county, be, and the same is hereby, dissolved, so far as respects the said Mary, and that she be restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 188.

AN ACT divorcing Mary Robinson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Robinson shall be, and she is hereby, divorced from her husband, James Robinson, and restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 189.

AN ACT to divorce Nancy W. Smith.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract existing between William Smith and Nancy W. Smith, his wife, be, and the same is hereby, dissolved, so far as relates to said Nancy, and she is restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

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CHAPTER 190.

AN ACT for the divorce of Granderson G. Goodwin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Granderson G. Goodwin and Sarah Ann Goodwin, be, and the same is, forever dissolved, so far as relates to the said Granderson G. Goodwin, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, March 2, 1843.

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CHAPTER 191.

AN ACT for the benefit of Mary Davis, of Fayette county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Davis, of Fayette county, be, and she is hereby, restored to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 192.

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AN ACT for the benefit of Mary M. Shawhan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Joseph Shawhan and Mary M. Shawhan, be, and the same is hereby, dissolved, so far as relates to the said Mary M., and that she be restored to all the rights and privileges of an unmarried woman, and to her maiden name, Mary M. Birch.

Approved, March 2, 1843.

## CHAPTER 193.

AN ACT for the benefit of Lucinda S. Smart, and Eliza McKnight.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between William D. Smart and Lucinda S. Smart, be dissolved, so far as it relates to the said Lucinda, and that she be restored to all the rights and privileges of an unmarried woman.

*SEC. 2. Be it further enacted*, That the marriage contract heretofore existing between Eliza McKnight and James McKnight, be, and the same is forever dissolved, so far as relates to the said Eliza, and she is hereby restored to her maiden name, Eliza Triplett, and to all the rights and privileges of an unmarried woman.

Approved, March 2, 1843.

## CHAPTER 197.

AN ACT to reduce the number of Justices and Constables to the county of Casey.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the offices of Justice of the Peace and Constable, in the county of Casey, as the same may become vacant, by death or otherwise, be, and the same are hereby, abolished, until the number of Justices of the Peace and Constables, respectively, in said county, shall be reduced to thirteen.

Approved, March 2, 1843.

## CHAPTER 198.

AN ACT to amend the road law of the county of Campbell.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Campbell county is

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T. A. Phillips.

Elizabeth S.  
Miller.Catharine A.  
Blackerby.

Memory Smoot

Wm. Smith.

Jas. Hazlip.

Susan and B.  
Wragg.

L. E. Wooden.

Wm. J. Card-  
well.Mary G. Ham-  
mon.

Emily Bennett

John Clark.

John Angel.

Polly Prewitt.

M. E. Murphy.

E. Land.

Nicholas and  
Sarah Baits.

John Martin.

respective parts; and that the said Hannah be restored to her maiden name, Hannah Lewis: between Thomas A. Phillips and Ellen Phillips, on the part of the said Thomas A.; between Elizabeth S. Miller and Abijah Miller, on the part of the said Elizabeth; and that she be restored to her maiden name, Elizabeth S. Green: between Catharine Ann Blackerby and Henry Blackerby, on the part of said Catharine Ann: between Memory Smoot and John Smoot, on behalf of said Memory; and that she be restored to her maiden name, Memory Razor: between William Smith and Nancy W. Smith, on the part of the said William: between James Hazlip and Agnes Hazlip, on behalf of the said James: between Susan Wragg and Benjamin F. Wragg: between Lucy E. Wooden and David Wooden, on the part of the said Lucy E.: between William J. Cardwell and Maria C. Cardwell, on the part of the said William J.: between Mary G. Hammon and William C. Hammon, on behalf of the said Mary G.; and that she be restored to her maiden name, Mary G. Dorsey: between Emily Bennett and James Bennett, on the part of the said Emily: and between Mary Clark and John M. Clark, on behalf of said John: between John Angel and his wife Elvira Angel, on the part of said John: between Polly Prewett and Eli Prewitt, on the part of said Polly; and she is restored to her maiden name, Polly Gibson: between Mary E. Murphy and Warren P. Murphy, on behalf of said Mary E.: between Elizabeth Land and Thomas Land, on behalf of said Elizabeth: between Nicholas Baits and Sarah Baits: and between John Martin and James Martin, on behalf of said John Martin.

Ann Ogles.

SEC. 2. *Be it further enacted*, That the marriage contract now existing between Ann Ogles and her husband, William Ogles, be dissolved; and that the said Ann Ogles be restored to all the privileges of an unmarried woman, and that she have the right to retain her infant child.

Nancy Reans.

SEC. 3. *Be it further enacted*, That the marriage contract between John S. Reans and Nancy S. Reans, be, and the same is hereby, dissolved, so far as it relates to the said Nancy; and that she be restored to all the privileges of an unmarried woman, and that she be restored to her maiden name, Nancy Lyon.

Approved, March 4, 1843

## CHAPTER 229.

AN ACT for the benefit of Rosanna Rock.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor is hereby directed to draw his warrant upon the Treasurer in favor of Rosanna Rock, of Barren county, for the sum of fifty dollars, payable out of any money in the Treasury not otherwise appropriated.

Approved, March 4, 1843.



## CHAPTER 230.

1843

AN ACT for the benefit of the heirs of Charles C. Isaacs, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Butler Stonestreet, or the statutory guardian of the heirs of Charles C. Isaacs, deceased, to file, on oath, a bill in chancery, in the Oldham Circuit Court, against said heirs, alledging, in substance, that said decedent purchased, by executory contract, from five of the heirs of ——— Hollingsworth, deceased, their respective shares in and to a certain tract of land, being in Oldham county, and adjoining the late residence of said Isaacs; that the purchase money for the said five shares has been fully paid by said decedent, and that there are yet four of the heirs of said Hollingsworth, some of whom are yet under the age of twenty one years, and who are willing and anxious to sell their several shares; that the five shares already purchased would be of little value or use to decedent's estate, without the acquisition of the other four shares, so as to secure the whole tract of land, as was contemplated by said decedent in his lifetime; and that it would greatly redound to the interest of the heirs of said decedent to purchase the four remaining shares from the heirs of said Hollingsworth, as they severally become of age; and the complainant in said bill shall further alledge, that said Isaacs died without having made or published any last will or testament, and that letters of administration on his estate has been granted, by the Oldham County Court, to said Butler Stonestreet; and that said decedent left his estate unencumbered, and was out of debt at the time of his death; and that the purchase can be effected with the assets now in the hands of the administrator, without resorting to the sale of property.

Bill in chancery may be filed, and for what purpose.

SEC. 2. That the infant heirs of said Isaacs shall be made parties to the said bill, and shall appear by their guardian, *ad litem*, and if, upon the hearing of said cause, the court shall be satisfied, by proof taken in open court, or by depositions, that the allegations of said bill are true, and that the application of the funds belonging to said infants, now in the hands of the administrator, to the purchase of the said four shares of land, in the manner indicated by the bill, would promote the permanent welfare of said infants, then said court shall decree that said Stonestreet, or statutory guardian, shall be empowered and legally authorized to effect a purchase of the lands aforesaid, upon the best terms upon which the same can be negotiated; and it shall be the duty of said Stonestreet, or statutory guardian, whenever he shall contract for the purchase of any one or more shares of the land aforesaid, to cause the vender, (who shall not at the time of such contract, be under any legal disabilities as one of the parties thereto,) to convey the land, so purchased, by deed, with the same warranty which they have derived from their ancestor: *Provided,*

Infants to be parties.

Court may decree, upon conditions, the purchase of lands.

Conveyance to be made.

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Bond to be  
executed by  
guardian.

That the said court shall make no decree under the provisions of this act, until the said Butler Stonestreet, statutory guardian, execute bond before said court, with adequate penalty, and with sufficient security, payable to said infants, and conditioned to apply a sufficient amount of the funds of said infants to the purchase of the lands aforementioned, in the manner prescribed by this act.

Report to be  
made to court.

SEC. 3. That it shall be further the duty of said court, to require of the said Stonestreet, or statutory guardian, a report of his or her proceedings under said decree, and the court shall make such other orders and decrees in said cause, as may be necessary and proper, to effectuate the purposes contemplated in this act.

Approved, March 4, 1843.

#### CHAPTER 231.

AN ACT for the benefit of James Cox and Jane Cox.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Cox, and Jane Cox, his wife, infants, under the age of twenty one years, and residents of the county of Marshall, be, and they are hereby, made competent and able, in law, to execute and deliver to Hugh A. Arant, of the same county, a deed of conveyance, and to acknowledge the same, so that it may be recorded, under the same rules and regulations, and in the same manner as if they were both twenty one years of age, for land lying in said county, and which was exchanged by them, with said Arant, for land of his, also lying in said county; and said deed of conveyance, when so made, delivered, and acknowledged, shall be as good and binding on said James and Jane Cox, as if they had been twenty one years of age when said deed was executed: *Provided*, That before said deed shall be executed, or at the same time, the deed of exchange, from said Arant, shall be made, conveying the land in exchange, to the said Jane Cox and her heirs, forever.

Approved, March 4, 1843.

#### CHAPTER 232.

AN ACT to provide for a change of venue in the prosecution against Mary McClary.

Preamble.

WHEREAS, it is represented to this General Assembly, that Mary McClary stands recognized to appear at the next term of the Allen Circuit Court to answer a charge of murder, or of being accessory to the murder of Eleanor Reeves; and that she cannot have a fair trial in the county of Allen, by reason of the prejudice existing in said county, against said Mary McClary: Wherefore,

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Changed from  
Allen to Simp-  
son.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon an indictment being found against the said Mary McClary, upon the charge for which she stands recognized, as aforesaid, a change of venue is hereby granted to said Mary McClary, for the trial of said indictment, upon the election and consent of said Mary, on the calling of said indictment being entered upon the records of the Allen Circuit Court, that she prefers to be tried on said indictment in the Simpson Circuit Court.

Duty of Allen  
Circuit Court.

SEC. 2. When the said Mary McClary shall have made her election to be tried in the Simpson Circuit Court, then, and in that event, it shall be the duty of the Judge of the Allen Circuit Court to make all the necessary orders, and do all things necessary to secure the appearance and trial of the said Mary McClary, in the Simpson Circuit Court.

Simpson Cir-  
cuit Court, ju-  
risdiction of.

SEC. 3. That when the said indictment shall have been removed from the Allen to the Simpson Circuit Court, and the said Mary McClary committed to the jail, or recognized to appear in the Simpson Circuit Court, then, and in that case, the said Simpson Circuit Court shall have as full and complete jurisdiction to hear and determine the aforesaid indictment, as though said indictment had been found in said court, as also, to require the attendance of witnesses, and do all things requisite to insure a fair and speedy trial of the said Mary McClary; and on said election being made, the Allen Circuit Court shall have the witnesses recognized, as well for the defendant as the Commonwealth, to appear and testify in said case, in the Simpson Circuit Court, as said court might do for said purpose, if the case were to remain in said Allen Circuit Court; and if the indictment shall be deemed defective, for any cause, the election made shall authorize a new indictment to be found in the Simpson Circuit Court. The Clerk of the Allen Circuit Court, on said change of venue being ordered, shall certify all orders that have been made in said case to the Simpson Circuit Court.

Witnesses to  
be recognized.

New indict-  
ment may be  
found.  
Duty Clerk  
Allen Circuit  
Court.

Approved, March 4, 1843.

#### CHAPTER 233.

AN ACT to provide for a change of venue in the prosecution against Jacob, a slave.

WHEREAS, it is represented to this present General Assembly, that Jacob, a negro man slave, the property of Robert McClary, stands recognized to appear at the next term of the Allen Circuit Court to answer a charge of murder, or of being accessory to the murder of Eleanor Reeves, and that he cannot have a fair trial in the county of Allen, by reason of the prejudice existing in said county against said Jacob—wherefore,

Preamble.

1843

Changed to  
Allen Circuit  
Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon an indictment being found against said Jacob, upon the charge for which he stands recognized, as aforesaid, a change of venue is hereby granted him, for the trial of such indictment, upon the election and consent of the said Jacob, on the calling of said indictment being entered upon the records of the said Allen Circuit Court, that he prefers to be tried on the said indictment in the Simpson Circuit Court.

Duty of Judge  
Allen Circuit  
Court.

SEC. 2. When the said Jacob shall have made his election to be tried in the Simpson Circuit Court, then, and in that event, it shall be the duty of the Judge of the Allen Circuit Court to make all the necessary orders, and do all things necessary to secure the appearance and trial of the said Jacob, in the Simpson Circuit Court.

Jurisdiction  
of Simpson Ct  
Court.

SEC. 3. That when the said indictment shall have been removed from the Allen to the Simpson Circuit Court, and said Jacob committed to the jail, or recognized to appear in the Simpson Circuit Court, then, and in that case, the said Simpson Circuit Court shall have as full power and jurisdiction to hear and determine the aforesaid indictment, as though said indictment had been found in said court, as also, to require the attendance of witnesses, and to do all things requisite to insure a fair and speedy trial of the said Jacob; and the said election being made, the Allen Circuit Court shall have the witnesses, as well for the Commonwealth as the defendant, recognized to appear and testify in the Simpson Circuit Court, in said case, as said court might do for said purpose, if the case were to remain in said court; and if the indictment shall be deemed defective, for any cause, the election made shall authorize a new indictment to be found in the county of Simpson. The Clerk of the Allen Circuit Court, on said change of venue being ordered, shall certify all orders that have been made in said case to the Simpson Circuit Court.

Witnesses to  
be recognized.

New indictment may be found.

Clerk of Allen  
to transmit papers.

Approved, March 4, 1843.

#### CHAPTER 234.

AN ACT for the benefit of Lewis Sourds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Pike county, by their order, may authorize Lewis Sourds to build a mill dam across Sandy river, in Pike county, on a site said Sourds owns on said river, under such regulations and restrictions as said court may deem necessary, to secure the navigation of said river: *Provided however*, That a majority of all the Justices of the Peace in said county shall be present and concur. The right is hereby reserved and vested in the aforesaid County Court of Pike county, a majority being present and concurring, to

cause said dam to be removed at the cost of the aforesaid Sourds, or cause such improvement in the dam as to continue and insure the navigation of said stream in as ample a manner as though said dam had not been erected.

Approved, March 4, 1843.

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CHAPTER 235.

AN ACT to amend the road law in the counties west of the Tennessee river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the Surveyors of the public roads in the counties west of the Tennessee river, shall, in working on said roads, cause the ditches heretofore or hereafter made, by the Board of Internal Improvement in said counties, to be kept open and in repair, so as to admit of the passage of water through the same; and said Surveyors shall, for failing to work on said ditches, be liable to the same penalties now imposed on Overseers for failing to keep the public roads in repair according to law.

Approved, March 4, 1843.

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CHAPTER 236.

AN ACT to improve the State road from Williamsburg to London, in Whitley and Laurel counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Laurel and Whitley counties, or their Commissioners, may order and direct the Overseer to make any slight change in the location of said road, that may result to the advantage of said road, for its improvement.

Approved, March 4, 1843.

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CHAPTER 237.

AN ACT for the benefit of the Sheriffs of Bullitt, Rockcastle, and Whitley counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry F. Kalfus, late Sheriff of Bullitt county, have until the 15th day of June next, to pay into the Treasury the balance of the revenue of said county, for the year 1842: *Provided*, That he shall, on or before the 15th day of March next, file with the Second Auditor the written consent of his securities, given in the presence of the County Court Clerk of said county, and attested by said Clerk; and upon the payment of the judgment (should there be a judgment,) on or before the said 15th day of June, 1843,

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then, and in that case, the damages awarded against said Sheriff shall be remitted.

SEC. 2. That the said Sheriff of Bullitt have until the 15th day of June next to make out and return to the Second Auditor of Public Accounts his delinquent list for the year 1842, and the same shall be received by said Auditor in the same manner as though such delinquent list had been made out and returned in the time prescribed by law.

SEC. 3. *Be it further enacted*, That the Sheriff of Whitley county be allowed until the first day of July next to return his delinquent list to the Second Auditor.

SEC. 4. That the Sheriff of Rockcastle county shall have until the first day of June next to pay into the Treasury the balance of the revenue due from said county for the year 1842, and to return his delinquent list upon the same conditions as are now provided for the Sheriffs of Bullitt and Whitley counties.

Approved, March 4, 1843.

#### CHAPTER 238.

AN ACT authorizing the appointment of a county Treasurer for the county of Barren.

How appointed—term of office—compensation, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Barren county is hereby authorized and required, at as early a period as may be, after the passage of this act, (a majority of all the Justices of the county, being present,) to appoint a county Treasurer for said county, who may continue in office during the pleasure of said court, and who shall receive, for his services, such compensation as the court may consider reasonable; and no person holding the office of Sheriff, Deputy Sheriff, Coroner, Jailer, Constable, Clerk of the Circuit or County Court, Surveyor of the county, or Justice of the Peace, shall hold the office of Treasurer.

Oath, and form thereof.

SEC. 2. The said Treasurer shall, immediately after his election, and before he enters upon the discharge of the duties of his office, take the following oath, to-wit: I do solemnly swear that I will well and truly, and to the best of my abilities, discharge the duties of county Treasurer, that I will receive all moneys due to said county, keep an accurate account of the same, and pay out the same when regularly demanded, to those entitled to the same, and that I will render an accurate account of the business of my office, as required by law: so help me God. And the said Treasurer shall, also, enter into bond, in the penalty of \$5,000, with such security as the court shall approve, payable to the Justices of the Barren County Court, conditioned for the faithful discharge of his duties as Treasurer, and for the payment of all claims against him as

Bond, penalty and condition.

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such, as well for the payment and delivery to his successor in office, or to the order of said court, the moneys remaining in his hands, as Treasurer, together with all books and papers appertaining to said office.

SEC. 3. It shall be the duty of said Treasurer to receive from the Sheriff, and other collecting officers, all moneys due to said county, and to disburse the same to such person or persons as have claims against said county, allowed by said court, and to perform such other acts in relation to the collection and disbursement of the county dues, as the court may prescribe, and to keep, in a book to be furnished by the court for that purpose, a fair statement of the moneys received and disbursed, and report to the court a full and fair statement of the moneys so received and disbursed, and upon what account, at their terms in the months of February, July, and November.

Duties in relation to county dues.

SEC. 4. That it shall be the duty of the Sheriff, or other collecting officers of said county, to pay over to said Treasurer, monthly, all moneys by him or them collected, for said county, and obtain his receipt therefor; and before entering on the duties of his or their office as Collector or Sheriff, shall, in addition to the oath now required by law, take an oath, in open court, well and truly to report and pay over to said Treasurer, monthly, all moneys by him or them collected, for the benefit of said county.

Sheriff and other collectors to pay over to Treasurer.

Additional oath of Sheriff.

SEC. 5. That it shall not be lawful for the Sheriff, or any Collector of said county, to pay off any claim against said county, to any person but said Treasurer, out of the moneys of said county, and he or they shall, in no wise, be liable for a failure so to do.

Sheriff not to pay claims.

SEC. 6. It shall be the duty of the county Treasurer, immediately succeeding the court of claims in each year, to make out a report of the whole number of titheables listed in said county for that year, estimating what the whole would amount to, and deducting therefrom the delinquent list allowed by the court, and commissions allowed to the Sheriffs and Collectors for collecting, showing the whole amount actually collected in each year, for the use of said county, and what part thereof remains in the hands of the Sheriffs and Collectors, and what part in his own hands; which report shall be delivered to the county Attorney for said county, who shall, if he approves the manner in which said officers have discharged their duties, lodge the same with the Clerk of the court, and if either of said officers shall be delinquent in the discharge of the duties of their office, he shall proceed against them for such delinquency, according to law.

Treasurer to make report to County Court.

County Attorney to examine report.

SEC. 7. That for a breach of the conditions of said bond, suits may be brought in the Circuit Court, in the name of "The Justices of the Barren County Court," or in their name, for the use and benefit of any other person or persons aggrieved thereby, against said Treasurer and his security or securities,

Suits on Treas'r's bond against Treasurer and securities.

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Judgments  
thereon.

or either of them, jointly or severally, or against the heirs, executors, or administrators of either of them, jointly or severally, on the same terms and conditions as in other cases of official bonds, executed by public officers; and in case said Treasurer shall fail to pay any county claimant or creditor, after due demand, any sum levied for him, her, or them, and which sum may then be due and owing, he and his securities shall be subject to a judgment, before a Justice of the Peace, or in the Circuit or County Court, either jointly or severally, by motion, upon ten days' previous notice thereof; and if it shall appear to the court, or Justice of the Peace, on trial of such motion, that at the time of the demand of such claim or claims, the Treasurer had money of the county in his hands, sufficient to pay off and discharge said claim or claims, the court or Justice of the Peace, by their judgment, shall adjudge to the plaintiff the amount of said claim, and twenty per cent. thereon, as damages, and the costs of the motion: *Provided*, The Circuit Court shall not have jurisdiction, unless the amount sued for shall be fifty dollars or over; nor shall a Justice of the Peace or the County Court have jurisdiction where the sum exceeds fifty dollars, and the defendant or defendants shall not be allowed to replevy the executions issued on such judgments; and the Clerk or Justice issuing such execution, shall endorse thereon, "no security of any kind shall be taken": *And provided further*, That said motion shall not be made at any time after two years from the time at which said claim was allowed by the court.

No replevin  
allowed.

Treasurer to  
answer on oath.

SEC. 8. That upon the trial in court, or before a Justice of the Peace, the plaintiff shall have the right to call the defendant or defendants, to answer upon oath, touching his or their indebtedness to the county, or the amount of county revenue in his hands, when the demand was made; and either party aggrieved, shall have the same right to appeal, under the same rules and regulations, as are allowed in other cases, by existing laws.

Sheriff's delinquent lists.

SEC. 9. That after the Sheriff or any Collector of said county shall have returned his delinquent list, and shall have been allowed a credit therefor, it shall not be lawful for him, afterwards, to collect from any delinquent, so returned, any sum on said list, which shall be owing to said county: *Provided*, That nothing in this act shall be so construed as to prevent the Sheriff or Collector from collecting from delinquents, the revenue due to the State, upon such delinquent list.

Clerk to make  
copy of delinquent list and  
list with Constables.

SEC. 10. Immediately after the Sheriff or Collector of said county shall have returned their delinquent list, it shall be the duty of the Clerk of the County Court to make out a copy of the same, and hand the same to the county Treasurer, who shall make out a list, showing the amount each delinquent is due the county, which list he shall put into the hands of each Constable of said county, or any other county in this Commonwealth, in whose district any delinquent may reside, and



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take from said Constable his receipt therefor; and thereupon, it shall be the duty of such Constable to collect the same, by distress or otherwise, or by enforcing the lien upon property allowed by law, and to pay over the money so collected, to the county Treasurer.

SEC. 11. The county Treasurer herein authorized to be appointed, shall discharge all the duties of the office of the county Treasurer appointed under an act of the General Assembly, entitled, an act to amend an act of 1835, appropriating the lands north and east of the Tennessee river, to the counties in which they lie.

Treasurer to  
discharge du-  
ties in regard  
to vacant lands

Approved, March 7, 1843.

#### CHAPTER 239.

AN ACT for the benefit of Thomas Parker, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Parker and John Johnson, late Sheriffs of Lewis county, and Vincent Taylor, late Sheriff of Cumberland county, be, and they are hereby, allowed the further time of one year, from and after the passage of this act, to collect all taxes, levies, fee bills, and muster fines, due and unpaid to them as Sheriffs aforesaid, in said counties, and may proceed to collect the same, by distress or otherwise, in the same manner that they might have done, if collected in the time allowed by law.

SEC. 2. That Alexander Bruce, Sheriff of Lewis county, be allowed the further time of one year to return his delinquent lists.

Approved, March 7, 1843.

#### CHAPTER 240.

AN ACT for the benefit of Andrew J. McKinney, of Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Adair shall have power and authority, in their discretion, to levy, not exceeding fifty dollars, for the maintenance and support of Andrew J. McKinney, son of Peter McKinney, of said county, the same to be levied at the next county levy of said county.

Approved, March 7, 1843.

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## CHAPTER 242.

AN ACT for the benefit of R. B. Craig and Deborah Carpenter, now of Boyle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts be directed to issue his warrant upon the Treasury in favor of R. B. Craig, of Boyle county, for the sum of eight dollars; and also, a warrant on the Treasury in favor of Deborah Carpenter for the sum of three dollars and sixty cents, being the amount over paid on account of revenue tax, twice paid for the year 1840.

Approved, March 7, 1843.

## CHAPTER 243.

AN ACT for the benefit of W. W. Rice, of Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts, be, and he is hereby, directed to issue his warrant upon the Treasury in favor of W. W. Rice, of Carter county, for thirty four dollars and sixty six cents, payable out of any money in the Treasury not otherwise appropriated, being the amount improperly paid by said Rice to John Trimble, Trustee of the Jury Fund for said county, the same having been paid to Hiram S. Booten, late Trustee of the Jury Fund for said county, and not accounted for by said Booten.

Approved, March 7, 1843.

## CHAPTER 244.

AN ACT for the benefit of James P. Hamilton and Peter L. Harper, of Hardin county.

WHEREAS, it is represented to this General Assembly, that James P. Hamilton and Peter L. Harper, in the month of February, 1842, purchased a wagon, and a stock of goods, for the purpose of vending the same in this State in the character or capacity of pedlars, and actually procured a license on the 26th day of February, 1842, from the Clerk of the Monroe County Court, for which they paid fifty dollars, not being apprised of the law having been changed by an act of the General Assembly, approved 14th February, 1842, and when said Hamilton and Harper were informed that the law then in force required them to take out a license in each county in which they might wish to peddle, and pay twenty dollars for the same, they declined peddling—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for said Ham-

ilton and Harper to peddle, under and by virtue of the aforesaid license, any where in this Commonwealth for the term of one year from and after the passage of this act, without being liable to the penalties now imposed by law.

Approved, March 7, 1843.

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CHAPTER 245.

AN ACT for the benefit of Samuel and P. N. Grinter.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant upon the Treasury, in favor of Samuel Grinter and P. N. Grinter, for the sum of forty five dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 7, 1843.

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CHAPTER 247.

AN ACT for the benefit of Emily O'Conner, of Daviess county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore existing between Emily O'Conner, of Daviess county, and her husband, William O'Conner, be, and the same is hereby, dissolved, so far as respects the said Emily, and that she be restored to all the rights and privileges of an unmarried woman, and retain possession of her infant child; and that she be restored to her maiden name of Emily Lendrum.

Approved, March 7, 1843.

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CHAPTER 248.

AN ACT for the benefit of Elijah Evans, of Laurel county.

WHEREAS, it is represented to the present General Assembly, that some years since, Elijah Evans, of the county of Laurel, paid the sum of one hundred dollars, and costs, upon a recognizance in the Laurel Circuit Court for the appearance of John A. Eastland, upon a charge of petit larceny; and that previous to the appearance required by said Eastland, he had departed this life—wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts draw his warrant upon the Treasury, in favor of said Evans, for the sum of one hundred dollars.

Approved, March 8, 1843.

AN ACT to amend the Charter of the City of Louisville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the compensation paid the city Collectors, for the collection and paying over to the city Treasurer, taxes, levies, and assessments, that shall be by them collected, shall not exceed the following rates: for the first twenty thousand dollars collected and paid over as provided by law, three per cent. thereon; for any additional sum, to the extent of twenty thousand dollars, three and one half per cent. thereon; and for all sums over forty thousand dollars collected and paid over as above, four per cent. thereon; the compensation to be fixed by a resolution of the Council, previous to the election of said Collectors: *Provided*, That it shall be lawful for the Mayor and Council, to contract with one or more Collectors, for the collection of city taxes for a specified sum, which sum shall not exceed eighteen hundred dollars for the entire collection of the city assessments of one year; and that each Collector shall have the right to proceed according to law, to collect any tax bills which he shall have settled with the Council, for the term of twelve months after the expiration of the term for which said Collector may have been elected, or may list the same with his successor in office, with like authority to collect on such terms as may be agreed upon between the parties; and hereafter, when slaves or personal property shall be levied on for any taxes, as authorized by law, at least ten days notice shall be given, by setting up notices thereof at the Court House doors, Market Houses, and Post Office door, in the city of Louisville, in lieu of advertising same in public newspapers, as now required by law.

SEC. 2. That so much of an act to establish a Police Court in Louisville, and to amend the charter of said city, approved February 22d, 1836, section 18, as directs that the Mayor shall receive an annual salary, to be paid by the city, of not less than \$2,000, be, and the same is hereby, repealed, to take effect in the month of May, 1844; and that from and after that period, the salary of the Mayor of the city of Louisville shall be the sum of \$1,500 per annum, payable out of the city treasury.

SEC. 3. That for a more permanent establishment of a system of free schools in the city of Louisville, the Mayor and Council may annually levy a tax not to exceed twenty cents on the hundred dollars, on the city assessment of real estate and slaves, collected as other taxes, and paid into the city treasury, there to be placed to the credit of the School Fund, to be applicable to the support of the free schools of the city of Louisville, in such manner and under such regulations as the Mayor and Council shall direct, by ordinance, which levy shall be made in like manner as levies are now made, and

Compensation  
to city Collect-  
or.

Mayor and  
Council may  
contract with  
Collectors.

Powers of  
Collectors.

Mode of ad-  
vertising sales  
for taxes.

Mayor's sal-  
ary fixed.

Taxes for free  
schools may be  
assessed and  
collected.

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shall be designated specially on each individual, tax list, as a school tax, and shall constitute the entire fund for the support of the free schools of the city of Louisville, derivable from taxation on city property.

SEC. 4. That it shall be lawful for the Mayor and Council of the city of Louisville to provide for the employment and of the relief of the poor of the city; and for that purpose, may levy and collect any sum not exceeding ten cents on the hundred dollars, on the city assessment of slaves and real estate, in the city of Louisville, collectable and payable as other city taxes, to be applicable to the purpose of the employment and relief of the poor of the city, in such manner, and under such rules and regulations as the Mayor and Council shall direct, by ordinance, which levy shall be made in like manner as levies are now made, and shall be designated specially, on each individual's tax list, as a poor tax, and shall constitute the entire fund for the relief and employment of the poor of the city of Louisville, derivable from taxation: *Provided*, That the present tax levied and assessed, in the 22d section of an act to establish a Police Court in the city of Louisville, and to amend the charter of said city, fixing the levy at fifty cents on the hundred dollars, remain in full force, and that the levies authorized to be made in this and third section of this act, be a part and portion of the fifty cents levy, and as such, not to increase the *ad valorem* tax on city property, in the aggregate, above fifty cents on the hundred dollars, unless it should be necessary, in some event, in order to support the free schools aforesaid, which shall always be maintained and supported.

SEC. 5. That it shall be lawful for the Mayor and Council of the city of Louisville, and they are hereby vested with full power and authority, to require all Insurance Offices, doing business in the city of Louisville, under the authority of the State, or agents of Insurance Offices, doing business as such in the city of Louisville; also, all Exchange Brokers and Lottery Offices, within the limits of the city of Louisville, to take out a license; and that no Insurance Company, or agent of an Insurance Company, chartered by the State of Kentucky, or any other State, shall grant or issue any policy of insurance, within the city, either fire or marine, without first obtaining from the council an annual license therefor; and for each violation of the aforesaid provision, such Insurance Office, or agent, shall forfeit the sum of \$500, for every such offence, to be recovered by indictment or presentment, for the benefit of the city of Louisville; and in the event of two or more agencies being in the same person, a separate license shall be taken as above, in each agency; nor shall any such license be granted by the Council, until the applicant shall deposit with the Clerk of the Council, for public inspection, a copy of the charter of the company for which he proposes to act, nor until he or they shall have paid into the city treasury the sum of one hundred dollars; that owners and agents of Lottery Offi-

Employment and relief of the poor provided for by taxes, &c.

Former levy of fifty cents not to be increased unless it be necessary for school purposes.

Insurance offices and exchange brokers to obtain license and pay taxes, and penalty for doing business without license.

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ces, doing business in the city of Louisville, and Exchange Brokers, shall obtain an annual license, to do business in the city of Louisville, and shall first deposit, with the city Treasurer, the sum of one hundred dollars, in consideration of such license, before the same shall be issued; and if any Exchange Broker, or agent or keeper of a Lottery Office, shall do the business of an Exchange Broker, or sell Lottery Tickets, or draw Lotteries, in the city of Louisville, without first obtaining a license, he shall forfeit and pay the sum of \$500, to be recovered by indictment or presentment, for the use and benefit of the city of Louisville.

Penalty on  
retailers with-  
out license.

SEC. 6. That the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16th, 1838, and an act to amend the 14th section of an act, entitled, an act to amend the charter of the city of Louisville, approved January 16th, 1838, approved February 14th, 1839, shall be so amended, as that no person shall, sell any spirituous, malt, or other fermented liquors, or combinations thereof, in said city, by the retail, that is, less than a quart, or of a quart, or more than a quart, when drank in the house of a person selling the same, without a license from the Council, under the penalty of not less than ten dollars, nor more than fifty dollars, at the discretion of a jury; and that no person shall sell groceries, by the retail, that is, by the single pound, or in quantities less than a gallon, without license of the Council, under the penalty of not less than ten dollars, nor more than fifty dollars, at the discretion of a jury.

Stores, &c. to  
be rated.

SEC. 7. That the Mayor and Council may cause the stores within the city of Louisville, lumber yards, and coal yards, merchant tailor shops, and all others not exclusively confining their business to the sale of goods and articles manufactured by themselves within the city, to be rated from number one to number six, each store, &c., according to its rate, in lieu of an *ad valorem* tax, shall be required to take out an annual license, and pay into the city treasury, on application therefor, such sum as shall be fixed by ordinance; number one, first rate, shall not be chargeable exceeding one hundred dollars per annum; and number two, eighty; and all other rates and numbers in a corresponding ratio: *Provided*, The Council may require not less than one half of the value of said license to be paid on application, and the residue secured, to be paid in six months thereafter. All persons selling merchandise without license, as by this act required, shall be subject to a penalty of not less than fifty dollars, nor more than two hundred dollars, at the discretion of a jury, for the use and benefit of the city of Louisville; this section to take effect on the first day of May, 1843.

License re-  
quired to be ta-  
ken out.

Rates of li-  
cense, and how  
to be paid.

So much of  
act of 1835, re-  
quiring \$500  
to be paid into

SEC. 8. That so much of an act, entitled, an act to establish the Louisville Chancery Court, approved February 28, 1835, as follows: that it shall be the duty of the Mayor and Council of the city of Louisville, to pay into the public treasury,

annually, on the first day of January, in each year, the sum of five hundred dollars, out of the fines assessed in the Mayor's Court, be, and the same is hereby, repealed; and that so much of an act, entitled, an act to regulate the terms of the Jefferson Circuit Court, and for other purposes, approved February 20th, 1837, declaring that the city of Louisville shall pay into the treasury of the Commonwealth the sum of fifteen hundred dollars, in addition to the five hundred dollars which the said city pays, under the act establishing the Louisville Chancery Court, be, and the same is hereby, repealed.

SEC. 9. That so much of the city charter as requires, in case of a vacancy in the city Council, that said vacancy be filled by the Mayor and residue of the Council, be, and the same is hereby, repealed, and that hereafter, all vacancies in the city Council, shall be filled by a vote of the Council, a majority of the Council elect, concurring.

SEC. 10. *Be it further enacted*, That the County Court for the county of Jefferson, a majority of the Justices being present, shall, at a convenient time after the passage of this act, appoint the following Inspectors, to-wit: one Inspector of wood, coal, and lime; one or more Inspectors of flour; one or more Inspectors of domestic liquors; and one Inspector of weights and measures, for the city of Louisville and county of Jefferson, who shall, severally, have the right to appoint, with the leave of said court, as many deputies as their respective duties may require; and the Inspector shall, in all cases, be liable and accountable for the conduct of each and all his deputies; the duties and fees of said Inspectors herein provided for, shall, from time to time, be fixed and regulated by ordinance of the Mayor and Council of the city of Louisville: *Provided*, Said fees shall not exceed a fair and reasonable compensation to such Inspector or Inspectors, for his or their labor, trouble, and inconvenience in making such inspection: *And provided*, That in no case, shall the fees for any of the before named inspections, exceed the fees now allowed for the same or similar services, within the said city of Louisville.

SEC. 11. *Be it further enacted*, That the Inspectors and their deputies, shall be elected for the term of one year, and until their successors are elected: *Provided*, That the County Court, a majority of the Justices being present, may, for good cause, remove any of said Inspectors or their deputies.

SEC. 12. Before any such Inspector or deputy Inspector, shall enter upon the duties of his office, he shall take an oath or affirmation, in said court, that he will, faithfully and impartially, execute the duties required of him by law, or by the ordinances of the Mayor and Council of the city of Louisville; and each principal Inspector shall, moreover, enter into bond, with good and sufficient security, to be approved by the court, in the penal sum of \$500, payable to the Commonwealth of Kentucky, conditioned for the faithful and impartial performance of the duties required of him by law.

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State Treasury as part Chancery salary, repealed.

Vacancies in city Council—how filled.

County Crt Jefferson to appoint Inspectors coal, wood, &c.

May have deputies.

Fees.

Term of office.

To take an oath.

Principals to give bond.

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Suits may be brought on Inspectors' bonds.

SEC. 13. *Be it further enacted*, That any person who may be injured by the incapacity, neglect, fraud, or misconduct of any of the said Inspectors or their deputies, may institute a suit, on a certified copy of such bond, for the use, and at the cost of the party so suing; and the person so suing, shall have execution upon any judgment obtained in any such cases, in the name of the Commonwealth, for his use and benefit; and such bond shall not become void, by the first or any subsequent judgment: *Provided*, That in all such cases, the causes of action must have accrued within one year next preceding the institution of such suit.

Not to be dealers in articles they inspect.

SEC. 14. *Be it further enacted*, That it shall not be lawful for any Inspector or deputy Inspector, appointed under this act, to be a dealer, hauler, or trader, in the article, for the inspection of which he may have been appointed, during the term of his office.

7th and 8th wards may be changed.

SEC. 15. *Be it further enacted*, That the Mayor and Council of the city of Louisville, to make the representation in the seventh and eighth wards more equal, may, at any time hereafter, annex to the eighth ward, all, or so much of that part of the seventh, lying west of Twelfth street, as may to them seem proper.

Repealing clause.

SEC. 16. *Be it further enacted*, That all laws that conflict herewith, shall be, and are hereby, repealed.

Fines, &c., to be paid to Trustee Jury Fund.

SEC. 17. *Be it further enacted*, That hereafter, the fines and forfeitures in the city of Louisville, and county of Jefferson, hereafter assessed under the general laws of the State, shall be paid to the Trustee of the Jury Fund, and be by him applied to the payment of jurors; all acts or parts of acts appropriating said fines and forfeitures to any other purpose, are, and the same is, repealed.

Election of Trustees Russellville to be held at court house, & wards abolished.

SEC. 18. *Be it further enacted*, That the election for Chairman and Board of Trustees, in the town of Russellville, shall, from and after the passage of this act, be holden at the court house in said town; and so much of each and every law as requires the citizens of said town to vote in two wards, or as requires a majority of the votes in either of said wards to elect said Trustees, be, and the same is hereby, repealed.

Chairman pro tem. may be chosen.

SEC. 19. *Be it further enacted*, That when the Chairman of said Board of Trustees shall be absent, or from any cause cannot attend at the meeting of said Board, that a majority of said Board shall have full power and authority, to elect any one of their body as Chairman, *pro tem.*, who, when so elected, shall have all the powers and privileges, for the time being, which are, by law, conferred on the Chairman who shall be elected by the voters of said town.

Width of streets may be diminished.

SEC. 20. *Be it further enacted*, That the said Chairman and Board of Trustees in said town, shall have full power and authority to curtail and diminish the width of any street in said town, and sell and convey the same so cut off or subtracted, and apply the proceeds thereof to the improvement of said



town: *Provided however*, That a majority of all the voters in said town, together with a majority of the owners of property on the square, where said street is proposed to be curtailed or narrowed, shall first petition said Trustees so to do.

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Approved, March 8, 1843.

CHAPTER 251.

AN ACT to incorporate the town of Smithland, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Smithland, as now established by law, within the boundaries defined in the plat of said town, shall be, and is hereby, declared to be the town of Smithland; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatsoever, and in all courts and places.

Boundary.

General corporate powers.

SEC. 2. *Be it further enacted*, That the said town of Smithland be, and is hereby, divided into two wards, as follows: beginning on Water street, at the upper corner of Main street, and running out with the upper line of said street to the back line of said town; all that part lying above said line to constitute ward number one, and that part lying below said line to constitute ward number two: and that the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in two Boards of Trustees, one for each ward, and one principal officer, to be styled the Chairman of the joint Board of Trustees of the town of Smithland.

Two wards; division line.

SEC. 3. That on the first Monday in May, 1843, and in each succeeding year thereafter, the free white male citizens in said town, over twenty one years old, who have resided therein six months next preceding the time of the election, and who shall have paid up all arrearages due said town for his poll or other tax, for the preceding year, (which being questioned must be satisfactorily proven,) may vote in their respective wards for three persons as Trustees of said wards, and at the same time and places, vote for a Chairman of the joint Board of the Trustees of said wards, who shall preside in all joint meetings of said Board, and give the casting vote, when necessary to decide a tie in the Board of Trustees, but he shall have no seat nor vote in the meetings of the Boards of either ward separately: he shall have power to convene the two Boards in joint meetings, when, in his opinion, business of a general nature may require it, or on the application of any two of the Trustees, in writing, requesting him to do so; he shall also have the power to impose a fine of two dollars upon each absent member, after having been duly notified to attend, which fines he may remit on satisfactory excuses having been

Who may vote for Trustees.

Number of Trustees in each ward.

Joint meetings.

Trustees may be fined for non attendance.

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Who eligible  
as Trustee.

Plurality of  
votes in wards  
to govern.

Qualifications  
of officers, and  
what shall va-  
cate office.

Vacancy in  
office of Chair-  
man, how fill-  
ed.

Business of  
joint Boards.

Chairman to  
separate wards.

Clerk and o-  
ther officers to  
be appointed.

Judges of e-  
lection of Trus-  
tees to be ap-  
pointed, and  
their duties.

made, but when collected shall be paid over to the Treasurer of the ward wherein the defaulting Trustee resides, to be applied as other revenue. No person shall be eligible to the office of Chairman, or Trustee, unless he is a freeholder in said town; and the Trustees must reside in the wards for which they are chosen. The Chairman and Trustees shall severally take an oath, before some Justice of the Peace, before entering upon the discharge of their duties, to support the constitution of the United States and of the State of Kentucky, and that they will perform the duties appertaining to their offices to the best of their abilities, according to law. The person receiving the greatest number of votes in each ward, when compared, shall be the Chairman of the joint Board; and the three persons receiving the greatest number of votes in each ward, shall be Trustees of said wards, and the Clerk of each ward shall duly record the same upon the books of said Trustees, and attest the same.

SEC. 4. The Chairman, Trustees, and all officers to be appointed by them, shall, during their continuance in office, reside and keep their offices in the limits of said town. Three months absence from said town, by the Chairman or any one of the Trustees, shall vacate his office, by a resolution to that effect, to be passed by a vote of the joint meeting of the Trustees of both wards, for which purpose they are authorized to meet, in case of the absence of the Chairman, and by the two remaining Trustees of either ward, in case of one absent Trustee. If the office of Chairman shall be vacated, as above, the Trustees of the two wards, in joint meeting, shall have power to elect another Chairman for the remainder of the year; and in case of the seat of a Trustee being vacated, in either ward, the two remaining Trustees shall have power to fill said vacancy, until the next annual election. That in all joint meetings of the two Boards of Trustees, no business shall be discussed or transacted, unless it has a particular bearing upon the general interest of the whole town. That the three Trustees elected for each ward, at their first meeting, (having been previously sworn,) shall appoint one of their own body, Chairman of the Board of Trustees, who shall preside in all meetings of said Board and give the casting vote, where the other two are divided in opinion. The Trustees of each ward shall, annually, appoint a Clerk, Assessor, Treasurer, Marshal, Surveyor, Market Master, (if only one market house, the Market Master to be appointed by the joint Board,) and such other officers as may be necessary to carry into effect the by-laws, rules, and regulations made for the general welfare of the citizens of the town. The Trustees of each ward shall have power, in every year, at least twenty days' previous to the annual election, to appoint two competent persons, residents of said town, Judges of the Election, who being first duly sworn, before some Justice of the Peace or Judge, shall, in conjunction with the Clerk of said Board, hold an election as is provi-

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ded in the third section of this act. The Clerks shall advertise at three of the most public places in their respective wards, (or in a newspaper, should one be printed and published in said town,) fifteen days previous to said election, the time and place of holding the same. The Board of Trustees for each ward, shall have power and authority to declare what fines shall be imposed upon all persons who shall be guilty of indecent or boisterous conduct, such as disturbs the peace and is against the dignity of the town. They shall have power to declare what fines shall be imposed on persons who shall be guilty of running horses, profane swearing in a clamorous manner, shooting with guns or pistols, making reports by burning powder, blowing of horns, crying aloud by day or night in a disorderly manner, and all riotous conduct within said town; the fines for such offences, to be ascertained by a jury, as in cases of breach of the peace, in any sum not exceeding twenty dollars for each offence.

Trustees may declare what fines shall be imposed for disorderly conduct.

SEC. 5. That non-residents' property, real and personal, may be sold for taxes, subject to redemption in three years, with twenty per cent. per annum on debt, with costs thereon. The Clerk shall report to the Board the ground belonging to non-residents, who may, by resolution, order a sale; which resolution shall be signed by the Clerk and the Chairman of the Board of Trustees of the ward in which such ground may lay, a copy of which shall, by the Marshal, be duly advertised, for thirty days, in some newspaper published in said town, but if no paper should be published in said town, then in the one published nearest it, and in this State; after the expiration of the time advertised, on the return of the Marshal that the taxes have not been paid, the Chairman of the Board shall issue an order of sale, to be executed by the Marshal, who is hereby authorized to convey to the purchaser the ground sold by him for taxes and costs, subject to redemption as aforesaid.

Property of non-residents may be sold for taxes, how and when.

SEC. 6. That the Board of Trustees for each ward shall take bond with sufficient security, in adequate penalties, payable to said Board, and their successors in office, from the Clerk, Treasurer, Assessor, Marshal, Market Master, and all other officers appointed by them to fill responsible offices; they shall be liable to judgment in the Livingston Circuit Court, in favor of the Board of Trustees, or any person entitled to the money collected by them, in the like manner that Sheriffs are liable. In all suits against either of the Boards of Trustees, a notice served upon the Chairman, shall be deemed sufficient to authorize the court or Justice to hear and determine such cause; and if suit should be brought against the two Boards jointly, a notice served upon the Chairman of the joint Board, shall be deemed sufficient for the court or Justice to hear and determine as aforesaid. No person who has not been a citizen of said town six months next preceding his appointment, shall be appointed to any office by the Board of Trustees in either ward.

Clerk, &c. to give bond.

Service of process in suits against Boards.

Six months residence required of officers.

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Clerk's duties.

**SEC. 7.** That after the Clerk shall have been duly qualified, it shall be his duty to preserve the books, papers, records, and every thing belonging to the office, and to deliver the same to his successor in office, on application being made for the same. He shall keep a regular journal of the proceedings of the Board, with a regular account of the fiscal concerns thereof; he shall record all the acts, resolutions, and orders of the Board; he shall take all bonds and agreements between the Board and all other persons; he shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the Board; and when the Assessor's list of taxable property is returned to the Board, the Clerk shall make out a fair list of the persons liable to pay tax, with the amount of their property and tax, listed in alphabetical order, and place the same in the hands of the Treasurer, on or before the first day of July annually. All persons subject to pay tax, may pay the same to the Treasurer, any time after the list is deposited with him, and before the twentieth day of August, and the Treasurer is authorized and required to make a discount of six per cent. on all sums so paid, and to certify to the Clerk of the Board, immediately after the said twentieth day of August, the names of all persons who have paid their taxes; and he shall forthwith make out and place in the hands of the Marshal, a list of the persons, with the property and tax remaining unpaid on the said 20th day of August, whose duty it shall be to proceed to collect the same; and to enable him to do so, he shall have all the power and authority in his respective ward, in the town of Smithland, that Sheriffs have for collecting the county levy and State revenue.

Discount on  
taxes paid to  
Treasurer.

Treasurer &  
Clerk's duty in  
regard to taxes  
unpaid.

Assessor's du-  
ties.

**SEC. 8.** That the Assessors, being first duly sworn, and in other respects complying with the requisitions of the Board of Trustees, agreeably to this act, shall call upon all persons in their respective wards, who are subject to be taxed, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath or affirmation of the party, and administered by the Assessor. If any person or persons refuse to give in a list of his or her taxable property, or be absent, the Assessor shall make out a list of the same, from the best information he can get. The Assessor's list shall include all free white males over twenty one years old; all slaves, with their value; all tavern keepers, grocers, coffee house keepers, victualers, confectioners, with all other species of property made taxable by the Board of Trustees, under the provisions of this act. Persons refusing to give in their list of taxable property, or being absent when taken, may, if they feel aggrieved at the valuation made by the Assessor, apply to the Chairman of the Board of Trustees for the ward in which said property be, at any time before the first day of July of that year, who may call a meeting of the Board at any time before the 20th day of August, to hear and determine whether such valuation shall be changed.

Appeals from  
assessm'ts may  
be taken.

**SEC. 9.** That the Treasurer shall receive and give receipts for all moneys paid or received; he shall keep a fair record of all the fiscal concerns of the Board, and record, in order, all the appropriations of said Board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no money without receiving a copy of a resolution of the Board of Trustees, signed by their Clerk, making such appropriation; he shall file all orders received by him for settlement with the Board; his books shall at all times be open to the inspection of persons having claims against the Board, with reasonable notice. The Treasurer is hereby authorized and required to receive and receipt to all persons who may pay their tax to him, agreeably to the seventh section of this act; he shall, on or before the first day of September, annually, report to the Board of Trustees a true list of the tax received by him; he shall also report to said Board, the true condition of the Treasury, whenever required so to do, and shall at all times be ready for a settlement with said Board; he shall be entitled to at least two and a half per cent. for all moneys received and paid out under the provisions of this act. The Treasurer and all other officers shall be liable to be removed, a majority of the Board concurring therein.

**SEC. 10.** That the Chairman and joint Board of Trustees shall have the control of the Market House, and provide rules and regulations for its government. The Board of Trustees for each ward, shall be authorized, annually, to make a reasonable appropriation for the payment of the officers of their respective Boards; they shall have power and authority to receive real and personal estate, by purchase, devise, bequest or donation, for the purpose of establishing school houses, for males or females, in said town; and they may, if they think proper, invest the same, together with the rents and proceeds thereof, at their discretion, with a college or seminary of learning. They shall have power and authority to make rules and regulations for the good government of such schools, by appointing officers and Trustees, who may employ Teachers and Superintendents to manage the same for the general welfare of said town. The purchase, by the Trustees of the town of Smithland, in the year eighteen hundred and forty one, of ten acres of land, adjoining said town, for a public burying ground, is hereby ratified and confirmed, and the joint Board of Trustees of said town shall have power to appoint a proper person or persons to take charge of said ground, under their control and direction. They shall have power, either jointly or separately, to buy fire engines, build engine houses, and appoint proper persons to preserve and take care of the same; to establish a fire company for said town, jointly or separately, and to make all by-laws, rules and regulations for the proper government of the same; and to impose such fines and penalties for the enforcement of the by-laws of said fire company, in a sum not exceeding ten dollars for any one offence, to be recover-

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Treasurer's duties.

His compensation.

Market house.

Annual appropriations to pay officers.

May have and hold real estate—and for what purposes.

Schools—regulations of.

Purchase of ground for burying ground ratified. Powers of Trustees in relation to same.

Fire engines and fire company.

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Watch house.

ed before any Justice of the Peace for said county. They shall have power, either jointly or separately, to establish a watch house and work house, and to appoint watchmen and other officers to superintend such houses, and apprehend offenders and take them before the Board of Trustees or their Chairman, to be dealt with according to the by-laws of said town.

Taxes which  
may be levied.

Taxes on cof-  
fee houses, &c.

Taxes on the-  
atrical perfor-  
mances, &c.

Trustees may  
pass by-laws,  
&c.

Tax on auc-  
tion sales.

Lien on real  
estate for taxes  
—and may be  
sold for taxes.

Fines for  
drunkenness.

SEC. 11. The Board of Trustees for each ward, shall have power and authority to assess, levy and collect a tax on all real and personal estate within the limits of said ward, not to exceed twenty five cents on each hundred dollars. They shall have power and authority to levy and collect a poll tax not to exceed one dollar and fifty cents in any year, on all free white males residing in said town, over the age of twenty one years. They shall have the right to tax taverns, coffee or exchange houses in said town, not more nor less than one hundred dollars per annum, ten dollars of which to be paid to the Clerk of Livingston county, by the Board of Trustees, to be accounted for by him as other State revenue. Any person paying to the Treasurer one hundred dollars, shall be entitled to a license, signed by the Chairman of the Board, and attested by their Clerk, to extend one year from the day the money is paid into the treasury, as certified to the Board by the Treasurer; but nothing herein shall authorize said Board of Trustees to license the retailing of ardent spirits by any person, except the keepers of regular taverns, under the general law. They shall have power to tax all kinds of domestic animals within said town. They may tax all theatrical performances, shows and exhibitions of all kinds, in any sum not exceeding ten dollars for each exhibition on any one day. They shall have power to pass by-laws and ordinances for the enforcement of the powers granted by this act, by inflicting adequate penalties for the enforcement of the same. The Clerk may issue licenses for theatrical performances, shows, and exhibitions, upon application for the same, the applicant filing with him a receipt, signed by the Treasurer or Marshal, for the sum levied by the Board of Trustees, and that such sum had been paid. They shall have power and authority to tax all auctioneers in a sum not exceeding two and a half per cent. on all goods, wares, merchandize, and articles sold to bidders, within said town, except property sold by citizens, of their own manufacture, sold by order of court, or by executors, administrators or guardians. They shall have a lien on real and personal estate within said town, until the taxes are paid; all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale, according to this act, and the order of the Board of Trustees. The respective Boards of Trustees may lay and levy their tax for the current year, as soon after the annual election as may be convenient. They shall have power and authority to declare what fines and penalties shall be imposed on drunkenness, and all improper and indecent behaviour, in any sum not exceeding ten dollars for eve-

ry such offence. They shall have power and authority to clear the streets, alleys, and passways, from all obstructions, and remove nuisances, by imposing fines and penalties for such offences in said town. They shall have the power to preserve and protect, free from incumbrance, all the public grounds and improvements belonging to the public in said town. They shall have power to receive conveyances from owners of ground within said town, for the purpose of extending the streets and alleys therein, or for making new ones. The Board of Trustees shall have power and authority to cause the streets and alleys, with the side-walks in said town, to be paved, turnpiked, M'Adamized, or gravelled, at the cost and expense of the owners of the grounds fronting such street, alley, or side-walk. When a majority of the owners of the ground residing upon such street, alley, or sidewalk, shall petition to the Board of Trustees, to pave, grade, turnpike, M'Adamize, or gravel, such street or alley; or when the owners of most of the ground fronting upon such street or alley shall, in like manner, petition, the Board of Trustees shall, by resolution, order such work to be done, in the way and manner they may direct; they shall cause the paving of any street or alley to be finished, when the owner or owners of lots on such streets or alleys shall have finished one equal half of the street or alley adjoining their grounds and opposite thereto. They shall have power and authority to cause the owners of private alleys, stables, lots, and pens, to have them cleaned, when they shall become filthy and considered as a nuisance by the Board of Trustees, by imposing fines and penalties, not exceeding ten dollars for each offence. The Trustees shall hold a lien upon such ground as fronts the pavement ordered to be made by them, for the payment of such improvements; they shall have power to order the collection of the same, by the sale of the ground, or so much thereof as will be sufficient to satisfy the claim, with costs, subject to be redeemed in three years, with interest of twenty per cent. annually, to the purchaser or his assigns, from the original owner or his assigns, who did not petition for such improvements: *Provided*, That infants shall have two years after they arrive at twenty one years old, on the like terms, to redeem their grounds.

SEC. 12. That if any person or persons in the town of Smithland, shall presume to keep a tavern, coffee house, or exchange house, without having first obtained a license, as in this act directed, he, she, or they, so offending, shall be subject to pay a fine of fifty dollars for every such offence.

SEC. 13. That upon the organization and qualification of the first Board of Trustees elected under the provisions of this act, the then existing Board of Trustees for the town of Smithland, shall deliver to the Trustees of ward number one, all the books and papers, and all other things pertaining to said Board and belonging to said town, who shall have power and authority to confirm all proper acts of their predecessors, which may

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Streets and  
alleys—nuisances.  
Public ground.

Conveyances  
of land for sts.  
and alleys.

Streets, &c.,  
to be paved.

Cost of paving,  
&c., how  
paid.

Private alleys,  
&c. to be  
cleaned.

Lien on lots  
for paving, &c.

May be sold,  
and in what  
manner.

Penalty for  
keeping tavern  
&c. without license,  
&c.

Books and  
papers to be  
delivered over.

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Taxes, &c.,  
in each ward;  
how applied.

require it. All taxes, fines, penalties, and forfeitures, to be paid into the treasury, for the especial benefit of the ward wherein they are levied, imposed or made. Where the words "Boards of Trustees," are used in this act, without the word "joint," it is intended to apply equally to the Boards of each ward.

Fines and  
penalties; how  
recovered.

SEC. 14. That for the purpose of recovering all fines, penalties, or forfeitures, herein designated, or that shall accrue under any ordinance or by-law that may be passed by the Chairman and joint Board of Trustees, or by the Board of either ward separately, either Board is hereby authorized to sue for the same before any Justice of the Peace having jurisdiction of the same, or in the Circuit Court, where the jurisdiction properly belongs to said court. The Marshal of each ward shall have power to serve all warrants, and collect all debts on executions issued from a Justice of a Peace, in favor of said Board of Trustees, who shall be governed by the same laws that Constables are. The suits to be brought in the name of the Chairman and joint Board of Trustees, or in the name of the Trustees of ward number one, or ward number two, (as the case may be) of the town of Smithland.

How fines,  
taxes, &c., to  
be applied.

SEC. 15. That all taxes collected, fines, penalties, and forfeitures, accruing under this act, be, and the same is hereby, appropriated for the benefit and improvement of said town: *Provided however*, That it shall be appropriated and used as provided for in the thirteenth section of this act.

Police Judge  
to be app'ted.

SEC. 16. *Be it further enacted*, That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer, to be styled the "Police Judge of Smithland," who shall be commissioned as such during good behavior; who, before he enters upon the duties of his office, shall take an oath, before some Justice of the Peace, to discharge the duties of his said office faithfully and impartially, to the best of his ability, without favor, affection, or partiality, together with such other oaths as public officers are usually required to take. The said Police Judge shall have jurisdiction, within the limits of said town, of all causes, civil and criminal, in which Justices of the Peace have jurisdiction; he may sit as a court of inquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace, and shall proceed in like manner as said two Justices are required to proceed in criminal cases. He shall have jurisdiction of all offences under the by-laws of said town, and shall have power to enter judgment and award execution accordingly. He shall have full power and authority to grant injunctions and restraining orders against absent defendants, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat*, and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be

To take an  
oath.

His jurisdic-  
tion.

His duties.



evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses to give evidence in cases pending before him; to compel their appearance, he shall have power to issue compulsory process. He shall have power to fine and imprison for contempt: *Provided*, That in no case shall such fine exceed ten dollars, nor the imprisonment twelve hours. He shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before a court or Justice of the Peace. It shall be lawful for said Police Judge to take depositions and certify the same, when they are to be read as evidence in any cause pending in any court in this Commonwealth. He shall be entitled to the following fees, viz: to a fee of one dollar upon every application for an injunction, *ne exeat*, restraining order or a writ of *habeas corpus*, to be paid in advance or collected as other fees, and in every case in which the injunction, *ne exeat*, or restraining order, so applied for shall be granted, the fee aforesaid shall be charged in the bill of costs against the defendant, unless said injunction, *ne exeat*, or restraining order, shall have been discharged; for peace warrant or warrant for a riot, rout or unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding on the trial in any case, except forcible entry and detainer, fifty cents; for taking recognition to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant. All other fees of said Judge shall be the same as those allowed to Justices of the Peace for like services, and to be collected in the same way. That upon all judgments rendered by the said Police Judge, each party shall have the right to appeal from said judgments, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

SEC. 17. That in case of a failure to hold the annual elections for Trustees, on the day specified in this act, the corporation shall not be dissolved on that account; the Trustees for the time being, shall continue in office until their successors shall be duly elected. It shall be lawful, where from any cause, the election was not held on the day specified, to hold an election for the election of a Chairman and Trustees, at any time within sixty days after the day for the annual election, and the Chairman and Trustees so elected, shall hold their offices until the next regular annual election. If one ward holds an election at the stated time for holding elections, and the other should fail to do so, it shall be no bar to that ward which has elected its Trustees, from proceeding regularly to the discharge of their duties. All acts and parts of acts concerning the town of Smithland, and coming within the purview of this act, shall be, and the same are hereby, repeal-

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May take depositions.

His fees.

Appeals allowed from decisions.

Failure to elect Trustees.

How election may be held after day fixed.

Repealing clause.

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ed, and this act shall be in force from and after the election of the first Board of Trustees under its provisions.

Approved, March 8, 1843.

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CHAPTER 253.

AN ACT for the benefit of C. T. Taylor and John Aulsebrook.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Charles T. Taylor and John Aulsebrook, or either of them, complainants in a suit in chancery now pending in the Louisville Chancery Court, against Robert Story, to make application for a second change of venue in said case, under the laws now in force, notwithstanding the fourth section of the act providing for a change of venue; and the application shall be made to the Circuit Judge of the seventeenth judicial district, and the said cause may be removed to any of the Circuit Courts in the seventeenth judicial district.

Approved, March 8, 1843.

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CHAPTER 255.

AN ACT concerning the town of Portland.

Boundary extended.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the part of the city of Louisville below the following line, viz: beginning at the centre of the Portland Avenue, where the present line between the city of Louisville and town of Portland crosses the same, running thence up the centre of the avenue to a point on a line with the centre of eighth street; thence in the centre of eighth street, passing high street, until the line intersects the present boundary line, shall be, and the same is hereby, attached, and shall constitute a part of the town of Portland; the eighth street herein alluded to, is the one in which there is a public well on said avenue: *Provided*, That nothing herein contained shall affect the rights of parties to any portion of the land or lots added to Portland; and where suit is pending, the same may be prosecuted to final judgment and execution, in the name of the present parties, and if recovery is had in the name of the city of Louisville, the same shall inure to the benefit of Portland.

Rights of parties not to be effected.

Penalty for retailing liquors.

SEC. 2. That the penalty for retailing spirituous and fermented liquors and groceries, within the town of Portland, without license, shall hereafter be not less than ten nor more than fifty dollars, at the discretion of the Justice or jury trying the same; and exclusive jurisdiction thereof is hereby vested in Justices of the Peace, by warrant in the name of the

Commonwealth, reserving to the accused the right of trial by jury, if required.

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Approved, March 8, 1843.

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CHAPTER 256.

AN ACT for the benefit of William Crawford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Crawford, of Monroe county, may bring into this State, and hold as his slaves, a negro woman and child, purchased by him of Charles Browning, without incurring the penalty of the law against those who unlawfully introduce slaves within the same: *Provided*, He shall first make and file, and cause to be entered on the order book of the Monroe County Court, his affidavit, setting forth the names, ages, and sex of said slaves, and that he was induced to purchase them to save himself from loss, as security for said Browning, and that it is in good faith, his intention to keep said slaves for his own use.

Approved, March 8, 1843.

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CHAPTER 257.

AN ACT to legalize the acts of the Trustees of the town of Sharpsburg, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the acts of the Trustees of the town of Sharpsburg, in levying the town tax for the purpose of paying the debts and liabilities of said town, shall be good and valid, to all intents and purposes, and that the election of said Trustees shall be legal, and their acts binding as if they had been sworn and qualified, agreeably to the charter incorporating the said town of Sharpsburg.

Acts of Trustees of Sharpsburg in laying additional tax ratified.

SEC. 2. *Be it further enacted*, That the powers granted to the Trustees of the town of Shelbyville, to sell and convey certain streets therein named, shall be, and is hereby, enlarged, so as to make it lawful for said Trustees to sell and convey any grounds, lots, or streets, belonging to and in said town, the sale of which, said Trustees may deem conducive to the interest and convenience of said town, subject however, in all cases, to the restrictions provided in the said act to which this section is an amendment.

Powers of the Trustees of Shelbyville to sell streets, &c. enlarged.

SEC. 3. *Be it further enacted*, That there shall be ten members added to the Versailles fire company, in addition to the present number of forty.

Approved, March 8, 1843.

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## CHAPTER 259.

AN ACT for the benefit of Eunice A. Thomson and Elvira Thomson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Scott Circuit Court to decree a sale of the interest of Eunice A. Thomson and Elvira Thomson, in a lot of land, with the appurtenances, in Georgetown, which was devised to them by their uncle, William T. Smith, and also, their interest in a certain lot in Lexington, with its appurtenances, which was also devised to them by their said uncle, under the same regulations and mode of proceeding as is directed for the sale of the real estate of infants in other cases, by the general law.

Approved, March 9, 1843.

## CHAPTER 261.

AN ACT to amend an act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, an act to authorize the citizens of Louisville to raise and organize a militia corps, to be styled the Louisville Legion, shall be, and the same is hereby, so amended, that the commandant of said Legion shall appoint his Regimental Staff; and when a sufficient number of companies shall have been raised, to constitute the said Legion a Brigade, under the act to which this is an amendment, then the Brigadier General of said Legion shall appoint his Brigade Major; and from and after the passage of this act, a majority of the field officers and Captains in the said Legion, shall nominate the commissioned officers in each company of said Legion, who shall be commissioned by the Governor: *Provided*, That no nomination shall be made, unless two, at least, of the field officers of said Legion are present; and when two or more persons have an equal, and the highest number of votes, the field officer of the Legion present, who may be highest in commission, shall decide the nomination.

Volunteer companies may be added, and duty of commander of Legion.

**SEC. 2.** That whenever any volunteer uniformed company or companies, organized and equipped, in the city of Louisville, or county of Jefferson, shall be desirous to attach itself, and form one of the companies of said Legion, the commanding officer of said Legion, shall be, and he is hereby, authorized to admit said company into his command, and it shall be his duty, upon said admission being made, to notify the commanding officer of the Regiment to which said company had been heretofore attached, of the fact of such admission, and such notification, in writing, shall authorize the transfer of said company or companies from the one command to the other,

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and such company or companies shall take rank in the Legion accordingly, from the date of such admission.

SEC. 3. That so much of the law to which this is an amendment, as excuses the honorary members from being armed and equipped as the militia of this State are ordered to be armed and equipped, be, and the same is hereby, repealed, and the number of honorary members allowed to each company, is hereby limited to one hundred and fifty; but the said honorary members may be excused from the parades and drills, upon the production, to the captain of the company to which they may respectively belong, of a receipt from the Treasurer of said company, vouching for the payment, by such honorary member, of such sum as the honorary members of the company may be directed, by the order of the Captain, to pay for the year when such certificate shall be given.

Honorary members to be equipped.

Number of honorary members, and how excused from parading.

SEC. 4. That it shall be the duty of the commanding officer of the Louisville Legion, to inspect the condition of the public arms and property in the possession of said companies, at least twice in each year, and faithfully to report the condition thereof, immediately after each inspection, to the Quarter Master General of this Commonwealth; and when it shall appear to such commandant, that the public arms in the custody of any company, are abused, neglected, or likely to be lost or damaged, forthwith to seize said arms, and to notify the Quarter Master General of such seizure, and to hold the said arms in some safe custody, subject to the order of the Quarter Master General.

Arms to be inspected by commander.

SEC. 5. That the Adjutant of said Legion shall report all absentees among the commissioned officers at each Legionary parade, to the commanding officer of said Legion; and it shall be the duty of said commander to cause a Board of Officers to be assembled, to judge of the validity of excuses for such absence, and if they shall judge the excuse insufficient, such officer may be fined, within the discretion of said Board, any sum not to exceed the sum of five dollars; and the said fine may be collected by the Collector of the company to which such officer may belong, as other dues are by him collected, and shall enure to the benefit of the Louisville Legion.

Absentees shall be noted by Adjutant.

Fines—how inflicted and how collected.

SEC. 6. It shall be the duty of the Captains of the companies belonging to the Louisville Legion, to make return to the Adjutant of the Legion, of all the active and honorary members of his company, on or before the 1st day of April in each year, and it shall be the duty of said Adjutant, to furnish copies of said lists, properly certified, to the Colonels commanding the militia Regiments, in the city of Louisville and county of Jefferson; and the persons whose names are borne on said certified lists, are exempted from militia duty in any other Company, or Regiment, or Brigade, than in the Louisville Legion.

Duty of Captains.

SEC. 7. All parts of the act to which this is an amendment, coming in conflict with this act, are hereby, repealed.

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SEC. 8. *Be it further enacted*, That the provisions of this act, and the act to which this is an amendment, be extended to, and embrace the city of Lexington and county of Fayette; the town of Newport and county of Campbell; and the town of Versailles, in the county of Woodford.

Approved, March 9, 1843.

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CHAPTER 263.

AN ACT to incorporate the "Western Coal Company."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That C. C. Hawley, A. D. Hawley, L. C. Hawley, D. S. Thomas, Weden Wilson, Neal Monroe, and Lancelot Topling, and their successors and assigns, shall be, and they are hereby, created a body corporate, for ten years, by the style and name of the "Western Coal Company," and by that name, may sue and be sued, and have a common seal, and may acquire and hold lands and tenements, and personal property, for the purpose of carrying on the business of mining, and trade in coal, to the amount of \$50,000. The company shall be organized by the election of a President, Secretary, Treasurer, and three Directors, and bond with good surety may be required of the Treasurer, in such sum as may seem right, by the President and Directors. They shall only have power to deal and trade in coals, and they may make such by-laws and ordinances, for their government, as shall seem to them proper, which shall not be contrary to the law of the land. The capital shall not exceed \$50,000, to be divided into shares of \$50 each. The first election of officers shall be at such time and place as shall be designated by Weden Wilson, and they shall hold their offices for one year, and until their successors shall be elected.

SEC. 2. The said corporation shall have the privileges granted to the American Cannel Coal Company, by an act approved 15th February, 1838, not inconsistent with the first section of this act, and shall be subject to the restrictions and liabilities contained and stated in the sixth, seventh, eighth, and ninth sections of said act. The Legislature may, at any time, modify or repeal this act.

Approved, March 9, 1843.

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CHAPTER 264.

AN ACT to amend an act to incorporate the Trustees of the Hawesville Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the purchase made by the

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County Court of Hancock county, of a lot of land in Hawesville, as a site for a Seminary of learning, is hereby rendered valid, so far as the said court is concerned; and the said court is hereby empowered to convey the said land, with its appurtenances, to the Trustees of the Hawesville Seminary; and, for this purpose, an order shall be entered on the books of the County Court, directing the Clerk of the said court to make the conveyance on behalf of said court, which he shall do, by recording a deed in his office; which land, so conveyed, shall be held for the purpose of supporting thereon a Seminary of learning.

Court may  
convey.

SEC. 2. The County Court of Hancock county shall, in the month of May, or June, in every year, appoint seven fit persons to act as "Trustees of the Hawesville and Hancock Seminary," which shall be the style of said corporation, and in case of a failure of the County Court so to make appointment, the Trustees shall remain in office until others are appointed; said Trustees, or a majority of whom, shall fill such vacancies as may happen in their own body until the new appointment of Trustees shall be made.

County C't  
to app't Trus-  
tees.

SEC. 3. Said Trustees shall, annually, in the month of April, make a report to said County Court, of the condition of the Seminary, which report shall be entered on the records of the court.

Trustees to  
make report.

Approved, March 9, 1843.

#### CHAPTER 265.

AN ACT for the benefit of George R. H. Clark and the heirs of William P. Clark, deceased.

WHEREAS, it is represented to this General Assembly, that Reuben Alexander, of Cumberland county, Kentucky, attorney in fact for George R. H. Clark and William P. Clark, sold to James Baker, the undivided tract of land owned and possessed by the said George R. H. Clark and William P. Clark, lying and being in Cumberland county, in the Clay Lick Bottom, on the Cumberland river, containing four hundred and fifty acres, after the death of said William P. Clark, but before the said Reuben Alexander and the said vendee were notified of the death of said William P. Clark. The said William P. Clark left ——— children, his heirs at law, all under the age of twenty one years; and that it will redound to the interest of the said George R. H. Clark and the heirs of said William P. Clark, to confirm said sale, and receive the purchase money, which is ready to be paid, by the heirs of the purchaser, or those claiming through him, if a title can be made: For remedy whereof,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said George R. H. Clark, for himself, and as guardian or next friend

Petition may  
be filed.

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of the infant heirs of the said William P. Clark, to file a petition in the Cumberland Circuit Court, verified by the oath of the said George R. H. Clark, which may be administered by any Justice of the Peace in Missouri; in which petition the said George R. H. Clark shall set out all the facts in relation to said sale and purchase, and the interest that he and said infant heirs of said William P. Clark, respectively have in said land, and his opinion as to the fact, whether it would be to the interest of said infant heirs, to confirm said sale; and to make all persons now claiming said land, through said Baker, parties to said petition.

Duty of court

SEC. 2. That on the filing of said petition, it shall be lawful for said court, by proof made in court, orally, or by deposition or affidavit, to institute an inquiry, whether it will, in its opinion, be to the interest of said infant heirs of said William P. Clark, to confirm said sale, and to make a decree confirming said sale, and directing a conveyance of said tract of land to be made to the heirs of said James Baker, or to those claiming title to said land through him or them, on the payment of the purchase money.

Guardian to  
execute bond.

SEC. 3. That upon or before entering said decree, the guardian to said infant heirs, or in case they shall have no guardian, the court shall appoint a guardian, who shall enter into bond in double the amount due said infants, of said purchase money, payable to them jointly and severally, with one or more good sureties, conditioned to pay to each of them, respectively, the portion to which each will be entitled under the statute of distributions, on their arrival, respectively, at the age of twenty one years, together with such interest as the same may produce.

Duty of court.

SEC. 4. That it shall be the duty of said court, in case the sale of said tract of land shall be confirmed, to appoint a Commissioner to convey, on the part of said infants, upon the payment of the purchase money and the interest; and the said George R. H. Clark, shall convey for himself; which conveyance, when made and acknowledged before said court, shall be effectual, in law and equity, to pass the title to the heirs of said Baker, or to those claiming title through him, to whom it may be made.

Approved, March 9, 1843.

## CHAPTER 269.

AN ACT for the benefit of Nicholas Jones.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Abraham Jones, some years since, departed this life in the county of Fayette, having first made and published his last will and testament, whereby, amongst other things, he manumitted an old negro man, who



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had been a faithful slave, named "Philip," and that Nicholas Jones, the son of the testator, became the security of the said Philip, in a bond taken by the County Court of Fayette county, to prevent him from becoming a charge on the county; and that said Nicholas Jones some years ago removed to Bath county, and took with him the said Philip, in order to extend to him the guardianship of his protection; and whereas, also, the said Philip acquired title to about four acres of land in the county of Bath, on which he died seized, leaving "Dinah," a free woman of color, his widow, in possession of the same, and although the said Philip left children, they are all slaves, and therefore cannot inherit the said land, whereby the title cannot descend, but would escheat to the Commonwealth, and it being just and right that said land should remain for the support of Dinah as long as she lives, and at her death, to go to her benefactor, the said Nicholas Jones—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the title to the said tract of land shall, and the same is hereby, vested in the said Nicholas Jones, in fee simple: *Provided however,* That he shall permit the said Dinah to occupy and use the same, free of all charge, as long as she lives.

Approved, March 8, 1843.

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CHAPTER 270.

AN ACT for the benefit of the Trigg county Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the Trigg county Seminary, be, and they are hereby, authorized to rent all lands which was devised by James Curling, of said county, to the use of a Public Seminary, to any person or persons, for any term of time not exceeding ninety nine years, taking bond and security for the payment of the rent, which shall be faithfully applied to the use of said Seminary, as directed by the will of said Curling.

Approved, March 9, 1843.

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CHAPTER 275.

AN ACT to improve the roads leading to and from the town of Florence, in the county of Boone.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the male citizens residing within the town limits of the town of Florence, required by the existing laws to work on highways, be, and they are hereby, required to work on, and keep in good repair, the several public

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roads and highways, leading to and from the aforesaid town of Florence, for the distance of three quarters of a mile from the centre of said town, and a compliance with the requirements of this act, on the part of the aforesaid citizens of Florence, shall exempt them from working on any other road or roads in the county of Boone.

Approved, March 9, 1843.

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CHAPTER 276.

AN ACT to repeal the act allowing the Owingsville and Big Sandy Turnpike Road Company to erect a gate on said road, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act allowing the Owingsville and Big Sandy Turnpike Road Company to erect a gate on any part of said road that has not been graded by said company, be, and the same is hereby, repealed.

SEC. 2. That all the citizens living on the ungraded part of said road, and all those that live within one mile on each side of said ungraded road, shall be, and are hereby, required to labor, on said ungraded part of said road, three days each, in every year, under the direction and superintendence of James Lampson.

Approved, March 9, 1843.

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CHAPTER 277.

AN ACT for the benefit of Joseph Barbour.

WHEREAS, Joseph Barbour, late contractor on lock and dam, No. 1, Kentucky river, in the construction of said lock and dam, erected a large steam mill for the purpose of aiding in said works, on the land now belonging to the State, adjacent to the lock: and whereas, the said Barbour has converted said mill into a grist mill, for the benefit of the citizens of the Commonwealth adjacent thereto, as well as that of himself: and whereas, the said Barbour cannot remove said mill at this time, without great expense, should he be required so to do, by the agents of the State, and the ground on which the same stands is not required by the State:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Joseph Barbour be permitted to continue said mill and other improvements on the land of the State, until such time as the said land shall be required for public purposes: *Provided*, That the privileges hereby given, shall not be construed to prevent the agents of the State from entering on the ground adjacent to said mill, for any purpose connected with the preservation or improvement of the public works at said lock and dam.

Approved, March 9, 1843.

CHAPTER 278.

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AN ACT for the benefit of John W. Finnell, and his securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the bond executed by J. W. Finnell, R. A. Buckner, and John C. Noble, to said Commonwealth, for sixty rifles and accoutrements, shall be void, it appearing to this General Assembly that all the said rifles, but two, have been returned in good order to the Quarter Master General of said Commonwealth according to his order.

Approved, March 9, 1843.

CHAPTER 279.

AN ACT for the benefit of John J. Marshall and W. W. Clack, and for other purposes.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John J. Marshall shall be, and he is hereby, discharged from all liability on a bond executed as surety for Minor Sturgus, for the safe keeping and return of certain public arms.

**SEC. 2.** *Be it further enacted*, That W. W. Clack, a deputy Sheriff in Barren county, be allowed until the next meeting of the Court of Assessment for the 45th regiment of Kentucky militia, to return delinquent lists for the years 1839, 1840, 1841, which was put into his hands for collection in the summer of 1842. That a judgment in the name of the Commonwealth of Kentucky, against William McCauley, Benjamin F. Hinch, Harrison Easum, and Joseph Brentlinger, in the General Court, for nine hundred and thirty dollars, be, and the same is hereby, released, saving to the officers their costs; said judgment being rendered on a bond given for public arms, which are lost to the State without the knowledge or consent of the obligors in said bond.

Approved, March 10, 1843.

CHAPTER 280.

AN ACT to amend the law in relation to Internal Improvements in Calloway and Graves counties.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Calloway county be, and they are hereby, constituted a Board of Internal Improvement for said county, whose duty it shall be to superintend the application of any Internal Improvement fund belonging to said county, to the improvement of the most important roads leading to and from the county seat of said

County Crt  
Board.

Duty.

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Shall keep a  
record, and ap-  
point Treasur-  
er; his duty,  
&c.

county, by erecting or repairing bridges, or any other improvement they may deem expedient to make.

SEC. 2. That the said County Court shall keep a full and complete record of their proceedings, and at some future term of the County Court, shall select some suitable person as a Treasurer, who shall enter into bond, with good security, in such penalty as the court may prescribe, payable to the Commonwealth of Kentucky, and conditioned for the safe keeping of all such moneys as may come to his hands as Treasurer aforesaid, and for the faithful delivery thereof to his successor, or for the disbursement of the same in pursuance of the order of said court.

SEC. 3. That the Treasurer shall have power to receive and receipt to the acting Treasurer of the Board of Internal Improvement for said county, and upon a demand being made by the Treasurer appointed by said County Court, of all the Internal Improvement fund of said county, the acting Treasurer shall fail or refuse to pay over the same, it shall be the duty of the Treasurer to give twenty days' notice to the present Treasurer; and if he shall not pay over the whole amount of said money within that time, it shall be the duty of the Treasurer appointed by the County Court, to bring a suit against the acting Treasurer and his sureties, in any court having jurisdiction of like sums, and to prosecute said suit with reasonable dispatch, until said sum be collected; and said County Court may make any reasonable allowance for the carrying into effect any of the foregoing provisions of this act.

SEC. 4. That all acts or parts of acts coming within the purview of this act, be, and the same are hereby, repealed.

SEC. 5. *Be it further enacted*, That all the provisions of this act shall also extend to the County Court of Graves county, and said County Court of Graves is hereby vested with the same powers and authority that are conferred on the County Court of Calloway by virtue of this act.

Approved, March 10, 1843.

#### CHAPTER 281.

AN ACT to establish two election precincts in the county of Whitley, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be, and is hereby, established, two election precincts in the county of Whitley, one on Meadow creek, at the house of Baker E. Watkins; the other at the house of Benjamin Maden, at the foot of the Pine Mountain, to be called the South American Precinct; to be governed by the same laws now in force governing elections in this Commonwealth.

SEC. 2. *Be it further enacted*, That it shall be lawful for

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the Barren County Court, to lay off, in said county, an additional Constable's district, including Pace's store, and to appoint a Constable therein.

SEC. 3. *Be it further enacted*, That the county of Owen be allowed one additional Constable, and that the County Court, in making said appointment, have respect to the neighborhood of Harmony Meeting House.

Approved, March 10, 1843.

CHAPTER 282.

AN ACT for the benefit of the Cumberland Presbyterian Church, at Princeton.

WHEREAS, the Rev. F. R. Cossitt, of the town of Lebanon, in the State of Tennessee, has recently, by deed, conveyed to A. H. Dudley and William McGowan, as Trustees, for the use and benefit of the Cumberland Presbyterian Church, in the town of Princeton, in the county of Caldwell, a certain piece of ground in the said town of Princeton, being the east half of lot No. 5, whereon the Cumberland Presbyterian Church now stands, which was erected by the said Cossitt; and whereas, the said Trustees, at the instance of said Cossitt, have petitioned to have said trust perpetuated—therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said deed of trust shall vest the absolute legal title of said piece or parcel of ground above described, with its appurtenances, in the said Dudley and McGowan, as Trustees of the Cumberland Church, of Princeton, and their successors, and in the members of the session of said church, chosen and appointed according to the discipline of the said Cumberland Presbyterian Church, for the sole and exclusive use of the same forever, as a place of public worship, for the use of said church and congregation.

Title vested  
in Trustees.

SEC. 2. If any person or persons shall hereafter withdraw from said church or congregation, or shall secede or separate from the said Cumberland Presbyterian Church, for any cause whatever; or if any schism or division shall at any time take place therein, the sole and exclusive right to use and enjoy the said house and piece of ground, as a place of public worship, shall remain with, enure to, and be vested in, that portion of said church or congregation which adheres to the discipline and doctrine of the Cumberland Presbyterians; and all right of such seceders or withdrawers, to use, or enjoy, or participate, as a separate body, in the use or enjoyment of said house and ground, as a place of public worship, as aforesaid, shall be, and the same is hereby, declared null and utterly forfeited, such being the wish of the donor, the Rev. F. R. Cossitt.

SEC. 3. If any one or more of the Trustees, or the members of session, shall vacate his or their office or appointment,

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Vacancies to  
be filled.

by death, resignation, refusal to act, removal out of the State, or otherwise, it shall and may be lawful to fill such vacancy or vacancies, in the same manner as the Trustees or members of session are authorized to be appointed in the first section of this act; and the person or persons so chosen or appointed to fill said vacancy or vacancies, shall have the same right and title to said house and ground, and shall perform the same duties in relation thereto, as the original Trustees named in said deed of conveyance from the Rev. F. R. Cossitt; and the right of the said Cumberland Presbyterian Church or congregation, to use and enjoy said lot and building as a place of public worship, shall not be lost, destroyed, or in any wise impaired, by want of any number of the Trustees, or members of session aforesaid, acting as such, but the same shall remain valid and secure until such time as said vacancy or vacancies shall be filled, as aforesaid.

Approved, March 10, 1843.

#### CHAPTER 283.

AN ACT for the benefit of Caroline E. M. Porter.

WHEREAS, it is represented to this General Assembly, that the Commissioners appointed by the Green County Court, in pursuance of the provisions of the act regulating the mode of settling the accounts of executors, administrators, and guardians, approved February 24, 1834, have severally refused to settle the accounts of Caroline E. M. Porter, as administratrix of William Porter, deceased, for private reasons—for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Green county shall have power and authority to appoint three fit and discreet persons, as special Commissioners, to state and settle all the accounts of Caroline E. M. Porter, administratrix of William Porter, deceased; and to state and correct any errors that may have been heretofore made in former settlements of the said Caroline's accounts, as administratrix aforesaid, if, upon examination, any such errors shall be found by said special Commissioners to exist; and the settlement of such special Commissioners, made under the authority of this act, shall be as valid in law as if made by the general Commissioners of said county of Green.

Approved, March 10, 1843.

## CHAPTER 284.

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AN ACT for the benefit of the Presbyterian Church, in the town of Henderson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Church Session of the Presbyterian church, in the town and county of Henderson, to call a meeting of the members of said church, which meeting shall consist of not less than a majority of all said members, who shall elect any number of Trustees, not exceeding five, for the purposes hereinafter mentioned: which election, and also the names of the persons so elected, shall, by the Pastor of said church, or the person presiding at said meeting, be certified, in writing, at any time thereafter, to the County Court of Henderson county, who shall cause the same to be entered at large upon their records.

Members may  
elect Trustees.

SEC. 2. The said Trustees shall have power, and it shall be their duty, at any time after the certificate of their election shall have been spread upon the records of the County Court of Henderson, as aforesaid, to demand and receive from Owen Glass, or his heirs, a deed of conveyance for the lot or parcel of ground, in the town of Henderson, on which the Presbyterian church has been erected; which lot embraces part of in-lots Nos. 49 and 50, in said town, and fronts on Second Cross or Mill street seventy feet, and runs back, at right angles to said street, one hundred and twenty five feet. And it shall and may be lawful for the said Owen Glass, or his heirs, by deed, to convey the said lot, with its appurtenances, to the said Trustees and their successors, to be appointed as is hereinafter specified, in trust for the sole and exclusive use, benefit, and behoof, of the Old School Presbyterian church and congregation, in the town and county of Henderson, as a place of public worship; which deed of conveyance, so executed and duly recorded in the office of the Clerk of the Henderson County Court, shall be good and effectual in law, to pass the legal title of said lot of ground, and its appurtenances, to the said Trustees and their successors, for the use of the said church and congregation, as aforesaid.

Power of  
Trustees.

SEC. 3. If any person or persons shall withdraw from said church or congregation, or shall secede or separate from the same, for any cause whatever, or if any schism or division shall take place therein, the sole and exclusive right to use and enjoy the said house and lot, as a place of public worship, shall remain with, enure to, and be vested in that portion of said church or congregation which adheres to the discipline, agrees in the doctrine, and remains subject to the government of the General Assembly of the Old School Presbyterian church in the United States of America; and all right of any body of such withdrawers or seceders, to use, or enjoy, or participate, as a separate body, in the use or enjoyment of said lot and house, as a place of public worship, as aforesaid, shall

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be, and is hereby, declared utterly forfeit and null; such being the wish of said Glass, the donor.

SEC. 4. If any one or more of the Trustees, appointed as aforesaid, shall vacate his office, by death, resignation, refusal to act, removal out of the State, or otherwise, it shall and may be lawful to fill such vacancy or vacancies, in the same manner as the Trustees are authorized to be appointed in the first section of this act; and the person or persons appointed, as aforesaid, to supply and fill said vacancy or vacancies, shall have the same right and title to the said lot and building, and shall perform and discharge the same duties in relation thereto, with the original Trustees named in the deed from Owen Glass, aforesaid; and the right of the said Old School Presbyterian church or congregation, to use and enjoy said lot and buildings, as a place of public worship, shall not be lost, destroyed, or in any wise impaired by the want of all or any number of the Trustees aforesaid, living and acting as such, but the same shall remain valid and secure, until the vacancy or vacancies in the number of Trustees shall be filled, as aforesaid.

Approved, March 10, 1843.

#### CHAPTER 285.

AN ACT concerning the fund bequeathed to the Harrison County Court by the last will of Henry C. Moore, deceased.

Preamble.

WHEREAS, it is represented to the present General Assembly, that Henry C. Moore has devised and bequeathed to the Harrison County Court a certain fund, for the purpose of educating the poor orphans of said county, and that William Moore, as executor of said will, is the Trustee of said fund, and by reason of old age, and consequent infirmity, desires to surrender said trust—therefore,

Court may  
appoint Trustee, &c.

Duty of Trustee.

Court to require bond.

Account of executor to be settled.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Harrison are hereby vested with power, from time to time, to appoint a Trustee of said fund, and said Trustee to remove from office at pleasure; and it shall be the duty of the said Trustee to collect and reduce said fund into his possession, and the same preserve and disburse agreeably to the provisions of said will, and in conformity to any order of said court, in regard to said fund, which may be made pursuant to said will. And the said court shall require, from such Trustee, bond, in an adequate penalty, and with sufficient security, conditioned for the faithful discharge of the duties of his office; and, for his services, said court shall allow said Trustee a fair compensation. And said court shall cause the accounts of the executor of said will to be settled before the County Court Commissioners; and said executor is hereby directed forthwith to pay over and deliver to said Trustee said fund, or whatever portion



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thereof may remain in his hands, and any amount of said fund which said executor may pay to such Trustee, said executor shall be entitled to credit in like manner as if paid to the order of said court, under the provisions of said will; and whenever the whole amount of said fund shall be disbursed conformably to the order of said court, or paid over to said Trustees, then said executor shall stand absolved from all responsibility touching said fund: *Provided*, That said court shall not appoint such Trustee during the lifetime of said executor, until he shall appear in said court, and cause to be entered on the record, his assent to said appointment, or express, in writing, under his hand, his said assent.

Executor entitled to credit for all paid over.

Proviso.

SEC. 2. That said court shall require said Trustee to take an oath faithfully to execute his duties.

Approved, March 10, 1843.

CHAPTER 286.

AN ACT to amend an act to incorporate the Theological Seminary of the Protestant Episcopal church in the State of Kentucky, approved February 24th, 1834.

WHEREAS, application has been made to the Legislature, by a committee of the convention of the Protestant Episcopal church in the State of Kentucky, to obtain certain amendments to the act incorporating the Theological Seminary of said church in this State: and whereas, the amendments proposed are considered just and reasonable: Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the above recited act as gives to the Rector the right and authority of nominating Trustees for said Seminary, be, and the same is hereby, repealed, and in lieu thereof, the Convention of said church shall proceed, once in every year, to elect, by ballot, three Clergymen and two laymen, who, together with the Bishop, for the time being, shall be Trustees for the year ensuing.

Rector shall not app't Trustees.

SEC. 2. That the lot and buildings belonging to said Seminary, in the city of Lexington, shall not be sold and the proceeds elsewhere or otherwise invested, except by order of the Trustees, sanctioned by a concurrent vote of both orders, in the Convention of said Protestant Episcopal church in the State of Kentucky.

Buildings in Lexington not to be sold, &c.

Approved, March 10, 1843.

AN ACT to incorporate the Frankfort and Lee's Branch Turnpike Road Company.

Style of Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company may be formed, under the name and style of the Frankfort and Lee's Branch Turnpike Road Company, for the purpose of constructing a Turnpike road from the town limits of the town of Frankfort to the bridge upon Lee's branch, near the Kentucky river, about two miles below the town of Frankfort.

Capital stock.

SEC. 2. That the capital stock of said company shall be twenty five hundred dollars, to be divided into shares of \$25 each: *Provided,* That if after an election of officers, as hereinafter to be directed, it shall be believed by a majority of said Directors, that said road may be constructed for a less sum than \$2,500, and they shall be able actually to let out said road for a less sum than the capital stock as aforesaid, the sum for which said road shall be let out, as aforesaid, shall be its capital stock, and no more nor less.

How books may be opened.

SEC. 3. That Books, for the subscription of said stock, may be opened immediately after the passage of this act, in the town of Frankfort, and in the county of Franklin, under the direction and management of Philip Swigert, Leander W. Macey, Harrison Blanton, and W. D. Reed, or some one or more of them, who are hereby appointed Commissioners, for the purpose of obtaining subscriptions to said road; and the said Commissioners shall procure a book or books, which shall contain the following obligation, and shall be signed by every person willing to take stock in said company: "We whose names are hereunto subscribed, do severally promise to pay the President, Directors and Company of the Frankfort and Lee's Branch Turnpike Road Company, the sum of twenty-five dollars for every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said Company."

Books to remain open til stock subscribed.

SEC. 4. That the books shall remain open until the said sum of \$2,500, capital stock, as aforesaid, shall have been subscribed; or until the alternative presented in the 2d section shall have happened.

Election of President and Directors.

SEC. 5. That so soon as the Commissioners of said company shall be of opinion that a sufficient amount of stock shall have been subscribed for the construction of said road, they may call a meeting of the stockholders, and hold an election for a President and three Directors, who shall hold their office for not less than one year, and until other like officers shall have been actually elected; and these Directors shall appoint a Treasurer, and such other officers as they may deem necessary; and the said Treasurer, before he enters upon the duties of his office, shall execute a bond, to said company, with security, to be approved by the Directory, in the penalty of \$1,000, con-

Treasurer may be appointed.

To execute bond.

ditioned, that he will well and truly, in all things, perform the duties of his office, and whenever a demand shall be made upon him by the Directory, or its authorized agent, pay over all sums of money in his hands as Treasurer; and the said Treasurer shall continue in office until the Directory shall have substituted him with another appointment.

SEC. 6. That upon the election and qualification of said Directors, they shall be a body politic, in deed and law, by the name and style of the "Frankfort and Lee's Branch Turnpike Road Company;" and by the said name, said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing, selling lands and tenements, as the same may be necessary for the prosecution and maintenance of their corporate existence; to sue and be sued, implead and be impleaded; to have a common seal, and generally to do all and every thing, which a body politic or corporate may do.

SEC. 7. That the President and Directors, after their election, shall call upon the different stockholders, for payments upon their several subscriptions: *Provided*, That the first call shall not be over fifty per centum on the amount subscribed, and may, in the discretion of said Directors, be less: *And provided further*, That all subscribers paying as much as fifty per cent. as aforesaid at the first payment, shall be entitled to a notice of forty days upon any subsequent call.

SEC. 8. That every stockholder shall be entitled to a vote for every share subscribed by him.

SEC. 9. That the written or printed certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in this company; and the same shall be transferable on the books of the Treasurer, in person or by attorney, when all arrearages thereon shall have been paid, and not until then.

SEC. 10. That the President may call meetings of the Board of Directors at such time and place as he may think proper. A majority of the Directors shall constitute a quorum, and in the absence of the President, a majority of the Directors, as aforesaid, may elect a President *pro tem*.

SEC. 11. That the President and Directors, or a majority of them, may contract with competent engineers, &c., for plan, survey, &c. of said road; and generally, make all contracts which may be necessary for the successful prosecution and management of said road.

SEC. 12. That after the completion of said road, the President and Directors may erect a toll gate for the same; and they shall fix the rate of toll thereon, and they may make any bargain or contract with private individuals, that may be mutually agreed on, for right of travel over and upon said road, for any length of time chosen by the parties: *Provided*, That the Directory may, in their discretion, make said road a

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Pay over money.

Style of company and powers.

Calls to be made.

Who shall vote.

Evidence of ownership of stock.

Meetings may be called.

President, &amp;c. to contract with engineer.

Toll gate may be erected.

1843

Tolls.

public road free of toll, in which event, their decision shall be submitted to the stockholders, a majority of whom may annul said decision making said road a free road as aforesaid: *And provided further*, That any rate of toll adjusted by said Directors, shall be subject to the supervision and correction of the Judge of the Franklin Circuit Court, and in the event of said Judge having any legal interest in said road, then to the presiding Justice of the Franklin County Court, upon complaint to him made by any person aggrieved by said rate of toll, upon due notice of said complaint first being given to the President of said company, by said complainant. And in case said complainant shall be dissatisfied with the decision of said Judge, he may appeal from his decision to the Board of Internal Improvement, as the same may be at present, or may hereafter be, organized, and their decision shall be final; but the decision of the Circuit Judge shall be binding on the company.

President &  
Directors, how  
chosen.

SEC. 13. That the President and Directors of said company shall be chosen by the stockholders, whose vote shall be regulated as in the 8th section is provided.

Duty.

SEC. 14. That the President and Directors shall be required, in all calls made upon the stockholders, unless in such cases as may be otherwise directed by this act, to give not less than fifteen days notice, of the amount of said calls, to the party subscribing; and all calls made upon the stockholders in this road shall be uniform, bearing equally upon all the stockholders, in proportion to the amounts severally subscribed by them.

Duty of Pres-  
ident and Di-  
rectors.

SEC. 15. That it shall be the duty of the President and Directors, in all things, to supervise and control said road, except as in this act they may be otherwise directed, with a view to its continued well being and management: and whereas, it is represented, that in time past, divers persons have been in the habit of greatly infesting said road with nuisances of every sort; and whereas, it is further represented, that those persons living contiguous thereto, are injured in their health, and persons travelling thereon are affected in their personal comfort and safety, by said nuisances; for remedy thereof, it is hereby further enacted, that if any person or persons, by themselves or their agent, shall deposit at any point along the route of said road, the dead body of any animal carcase, or other like nuisance, within such proximity to said road, as in any manner to offend or injure, or otherwise aggrieve or make uncomfortable the traveller on said road, it shall immediately be the bounden duty of the Directors, or some one of them, to give information thereof to the Police Judge of the town of Frankfort, (whose jurisdiction, for the purpose of investigating such offences, is hereby extended to all such cases in that behalf,) who shall thereupon issue his warrant in the name of said company, calling on the offender to answer the charge made as aforesaid; and, if on hearing, he shall be of opinion that

Nuisances—  
penalty for de-  
positing.

Police Judge  
to issue war-  
rant.

the defendant is guilty, it shall then be the duty of said Judge to fine said defendant in a sum not less than ten dollars, for which the company may have execution, and the proceeds thereof shall be devoted to repairs of said road, as they shall from time to time be required.

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Approved, March 10, 1843.

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CHAPTER 289.

AN ACT for the relief of Woodson Denham and Lethe, his wife.

WHEREAS, Woodson Denham and Lethe Denham, of Pulaski county, had three children previous to their intermarriage, viz: by name Robert B. Elliott, James Elliott, and William T. Elliott, and now being desirous of changing the names of said children, since their intermarriage: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the names of said children shall henceforth be Robert B. Denham, James Denham, and William T. Denham, and shall be further entitled to be the legal heirs of the said Woodson Denham and Lethe his wife; agreeably to the will of said parents.

Approved, March 10, 1843.

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CHAPTER 290.

AN ACT for the benefit of the Paymaster of the 115th regiment of Kentucky militia, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Paymaster of the 115th regiment of Kentucky militia, have until the first day of June 1843, to settle with the Colonel of said regiment, or other officer who may be authorized to make such settlement in said regiment, according to law: *Provided*, Said Paymaster's securities agree to the indulgence.

SEC. 2. *Be it further enacted*, That the election at Port Royal precinct, in the county of Henry, be held at the tavern of Washington Perry in said town, in the county aforesaid.

Approved, March 10, 1843.

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CHAPTER 293.

AN ACT to regulate the toll of grist mills in Trigg and Caldwell counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Courts of Trigg and Caldwell counties be, and they are hereby, vested with full power to regulate the tolls of grist mills within their respective counties.

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*Sec. 2. Be it further enacted*, That all acts or parts of acts coming within the purview of this act be, and the same are hereby, repealed.

- Approved, March 10, 1843.

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CHAPTER 294.

AN ACT concerning certain deeds and powers of attorney in the Montgomery County Court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Clerk of the Montgomery County Court, to record all deeds, powers of attorney, and mortgages, which were properly acknowledged or proved, and not recorded in his office, at the time of the resignation of the late Clerk of said court; and all deeds, powers of attorney, and mortgages, which were properly proved, or acknowledged, before said late Clerk or his deputy, which have been recorded by his successor or his deputy, shall be deemed regularly recorded; and where such instruments were partly proved or partly acknowledged, before said late Clerk or his deputy, and the same have been, or shall be fully proved or fully acknowledged before the present Clerk or his deputy, the record thereof shall be deemed legal, as if done by the late Clerk or his deputy, on full proof or acknowledgment before him.

Approved, March 10, 1843.

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CHAPTER 298.

AN ACT to divorce Frederica Louise Schuesser.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Frederica Louise Schuesser be, and she is hereby, divorced from her husband, Peter Schuesser, and she is restored to the rights of an unmarried woman; and that she be restored to her maiden name of Frederica Louise Mochle.

Approved, March 10, 1843.

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CHAPTER 299.

AN ACT authorizing the County Court of Morgan county to change the State road leading from Mountsterling to Prestonsburg, within the county of Morgan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court for the county of Morgan, a majority of the Justices of the Peace being present and concurring, be, and they are hereby, authorized so to change

the State road leading from Mountsterling to Prestonsburg, as to pass by the dwelling house of Daniel Reed, of the county of Morgan: *Provided*, The change herein authorized, will not result disadvantageously to the public.

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Approved, March 10, 1843.

## CHAPTER 300.

AN ACT to change the place of voting in Black's precinct, in Boone county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election heretofore held at the house of George Black, on Mud Lick creek, in Boone county, shall hereafter be held at the house of Benjamin E. Garnett, in the town of Landing.

Approved, March 10, 1843.

## CHAPTER 302.

AN ACT for the benefit of the Trustees of the Catholic Church in Taylorsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Trustees of the Catholic Church in Taylorsville to institute a suit in chancery, in the proper court, claiming a bequest of five hundred dollars by the will of Zepheniah B. Offutt, deceased; and if it shall appear that said bequest was made for the Catholic Church in Taylorsville, it shall be lawful for the court to make such decree, in favor of said Trustees, as will be equitable, and secure to said Church the enjoyment of said fund; but this act shall not affect the rights of other persons.

Approved, March 10, 1843.

## CHAPTER 307.

AN ACT to ratify the marriage of John Leathers and wife.

WHEREAS, it is represented that John Leathers and his wife, Casey Leathers, were divorced some time since by a decree of the Pulaski Circuit Court, and that after the said decree, the said Leathers, not being aware of the penalties imposed by the act of Assembly granting divorces, intermarried with the daughter of John Dawson, of Rockcastle county—therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said marriage be, and the same is hereby, ratified and confirmed.

Approved, March 10, 1843.

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## CHAPTER 308.

AN ACT supplemental to an act to enlarge the town of Owensborough, and for other purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the decree of the Daviess Circuit Court, made at the October term, 1841, adding a part of the lands of the heirs of the late Philip Thompson to the town of Owensborough, shall be deemed as valid as if made in a suit pending at the time "an act to enlarge the town of Owensborough, and for other purposes," was passed; and the Commissioner appointed by the said court, may be ordered by said court to sell the lots included in the land so added to said town, and make conveyances thereof to the purchasers, respectively; and said court shall make all necessary orders and decrees for such purpose, and shall take from the Commissioner a sufficient bond to secure the proper application of the purchase money under the order of said court.

Approved, March 10, 1843.

## CHAPTER 311.

AN ACT to amend an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act for the relief of the widow and heirs of Robert S. Samuel, be so amended, as to authorize the court to decree Benjamin Berry to pay over their proportion of the money remaining in his hands, to said widow and adult heirs: *Provided,* The court shall deem it for the advantage of the heirs of said Samuel to do so.

Approved, March 10, 1843.

## CHAPTER 312.

AN ACT to amend the law regulating the Fire Company of Shelbyville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first section of, an act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville, approved January 28th, 1841, is hereby repealed.

SEC. 2. That the Trustees of the town of Shelbyville are hereby authorized to enrol not less than forty, nor more than sixty, able bodied white male citizens of the town of Shelbyville, over the age of eighteen, and under forty five years, and they shall be, and are hereby, constituted a fire company for said town, to be styled, "The Relief Fire Company of



Shelbyville;" the persons thus enrolled to be exempt from militia duty in time of peace, and from paying poll tax to the corporation.

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Approved, March 10, 1843.

## CHAPTER 313.

AN ACT to incorporate the Kentucky Oyster Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert G. Carter, Martin P. Marshall, Dr. Nesbit Taylor, Robert Robb, and Charles Marshall, with their associates, shall be, and they are hereby, constituted a body corporate, for the purpose of making an experiment in the raising of Oysters in this State, by means of an artificial salt pond or lake, and they shall be styled "The Kentucky Oyster Company," and by that name may sue and be sued, in all courts, and have a common seal. The capital stock shall be ten thousand dollars, in shares of one hundred dollars each, twenty five dollars of which shall be paid in as soon as the company is organized, and the residue as it may be ordered. The stockholders shall meet at such time and place as Robert G. Carter shall direct, after the subscription shall be taken, and shall elect a President, two Directors, a Secretary, and Treasurer, and these shall be the officers of said corporation, and they shall hold their offices for one year, and until their successors shall be elected. The said Treasurer shall give bond with security, in such sum as may be demanded. The said company shall have power to make such by-laws and ordinances for their government, as shall not be inconsistent with the law of the land. They shall have no power to do any thing but what shall be necessary to raise Oysters in this State; and the said company may hold real estate and personal effects to the value of not more than one hundred thousand dollars; and this act may be amended or repealed at pleasure.

Approved, March 10, 1843.

## CHAPTER 315.

AN ACT for the benefit of the children of Reuben Graves, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the personal representatives of Reuben Graves, deceased, to exhibit their petition to the County Court of Woodford county, stating therein that it will be for the interest of the children of said Graves to purchase, for their service, a negro man slave; which petition shall be sworn to, if filed; and if it shall appear to said court that it will be for the interest of said children to purchase

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such a slave, the court shall order the same to be done by said personal representatives, or one of them, and the title thereto shall be vested in the said children, and a bill of sale shall be reported to said court, wherein the names of said children shall be stated; and on approval by the court, it shall be recorded. Said negro, so purchased, shall be assets for the payment of the debts of the deceased, as if he had descended to said children; and on a settlement of the estate, the children shall be charged with the price of said slave.

Approved, March 10, 1843.

#### CHAPTER 317.

AN ACT concerning the records in the Jefferson County Court office.

Cross alphabet may be made.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Jefferson County Court, to order the Clerk of said court to make a general cross alphabet of all the deeds, mortgages, and conveyances in trust, of real and personal estate, and powers of attorney, recorded in his office; in which alphabet, each deed or other instrument recorded, shall be entered by the sir name, followed by the first name of each grantor and each grantee; and in appropriate columns, opposite each entry, shall be stated the book and the page thereof, in which the instrument is recorded, the date of the deed or other instrument, its nature as a deed of mortgage or conveyance in trust, and whether of real or personal property.

Clerk to be paid.

SEC. 2. That the Clerk of said court shall, on the completion of the said alphabet, receive a reasonable compensation for the making of the same, one half of which it shall be the duty of the said County Court to levy upon the county and pay to said Clerk, and the Mayor and Council of the city of Louisville shall pay the other half thereof, out of the funds of the said city.

Alphabet to be kept constantly for use.

SEC. 3. Said alphabet shall be kept always for use in the said office, and all deeds, mortgages, and powers of attorney recorded in said office, after the making of the said alphabet, shall have a like alphabet made for them, in the manner pointed out in the first section of this act.

Approved, March 10, 1843.

#### CHAPTER 318.

AN ACT better to establish the "Fire Department of the city of Louisville."

Style of corporation; their powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all persons who are, or shall hereafter be, firemen, belonging to any of the fire engine,

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hose, hook and ladder, or protection companies, now or hereafter established within the city of Louisville, shall be, and they are hereby, created and declared to be one body politic and corporate, by the name, style and title of the "Fire Department of the city of Louisville," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record, or elsewhere; and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises, and hereditaments, goods, and chattels, of what nature, kind or quality soever, real, personal, or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien, or dispose of; and also to make and have a common seal, and the same to break, alter and renew at pleasure: *Provided*, That the yearly rents and profits of the real estate held by the said corporation shall not exceed the sum of two thousand dollars.

SEC. 2. That each fire engine, hose, hook and ladder, or protection companies, as aforesaid, shall, in the month of April of each and every year, on such day of said month as shall be fixed by the by-laws, elect, by ballot, three Trustees, who shall be, at the time of their election, members of the company electing them; and if, from any cause, such election shall not have been made, the Trustees in office shall continue until others shall be elected. If a vacancy shall occur, from any cause, in the Board of Trustees, the company by whom the vacating member was elected, shall supply such vacancy by another election.

SEC. 3. The Board of Trustees, chosen as above, shall establish a permanent fund for the relief of disabled firemen, their widows and orphans, and the relief of persons, not firemen, who may sustain personal injury by fire apparatus, to be called the "Fire Department Fund," which shall be under their control and management. They shall have power to elect their own officers, and to require satisfactory bonds, with security, from the Treasurer, for the faithful performance of his trust and duty. And the said Trustees may, from time to time, ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall appear necessary and convenient for the government of the said permanent fund, and all other funds of said Fire Department of the city of Louisville, not being contrary to this act, or the constitution and laws of the United States, or of this Commonwealth. The said permanent fund, so established, shall be invested, and the interest only arising therefrom shall be appropriated to the object for which the fund was established, and to no other purpose whatsoever. And the Trustees shall cause to be published, annually, a detailed statement of the condition of said fund; and shall, annually, settle the accounts of the Treasurer. And each fire engine, hose, hook and ladder, or protection company, may exercise the right of appointing a committee to enquire

Trustees to be elected by ballot.

Vacancy to be filled.

A fund established for use of disabled firemen.

The powers of fire department.

May enact by-laws and ordinances.

Interest of fund only to be used.

Trustees shall publish statement of fund, and settle accounts of Treasurer.

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Committee to  
enquire into  
state of fund.

Officers of  
companies may  
form a board of  
advisers.

into the application, and investigate the condition, of said fund; and in case of mis-application, or mal-conduct of the Treasurer, Secretary, or any other officer, he or they may be called to account before the Board of Trustees, and, if found guilty, shall be expelled.

SEC. 4. That the chief officers of each company, as aforesaid, may be formed into a board of advisers for the better control of the fire engines and apparatus at the time of fires; but the powers of the Mayor, and Mayor and Board of Councilmen of the city of Louisville, shall remain as heretofore. The right to repeal or modify this act is reserved to the Legislature.

Approved, March 10, 1843.

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#### CHAPTER 325.

AN ACT for the benefit of the heirs of James Phillips, deceased.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Samuel P. Phillips and Samuel C. Belmear, executors of James Phillips, deceased, to file their bill in chancery in the Nelson Circuit Court, making all of the heirs of the said James Phillips, deceased, parties thereto; and when properly before the court, by themselves and guardians, it shall and may be lawful for said court, upon a final hearing of the case, if it shall be shown that the debts of the estate require it, and it will be to the interest and advantage of all the heirs concerned, to render a decree that so much of the land as belongs to the estate of the said James Phillips, deceased, may be sold, as may be necessary to pay the debts of the estate, and to appoint a Commissioner to make sale of said land, and to convey the same; and said court is authorized to make all such orders and decrees, and to require such security as may be necessary therein, and consistent, and to secure the interest of the heirs and estate, then said court is authorized to render a decree at the first term after the filing of the bill, if necessary to promote the interest of the heirs and estate.

Approved, March 10, 1843.

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#### CHAPTER 327.

AN ACT incorporating the Henderson Hotel and Warehouse Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby, established, to be denominated the Henderson Hotel and Warehouse Company.

Name and  
style.

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Capital stock.

SEC. 2. The capital stock of said company shall consist of twenty thousand dollars, to be divided into two hundred shares of one hundred dollars each, to be subscribed for as hereinafter directed.

Corporate powers, duration, &amp;c.

SEC. 3. *Be it further enacted*, The subscribers to said company, their successors and assigns, shall be, and are hereby, made a corporation and body politic, in law and in fact, by the name and style of "The Henderson Hotel and Warehouse Company," and shall so continue until the first day of January one thousand nine hundred, and by the name and style aforesaid, they shall be, and are hereby, made able and capable in law, to contract and be contracted with, to have, possess, enjoy, and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the erection and furnishing a Hotel and Warehouse, and the requisite appendant buildings to such an establishment; and should there, at any time, be any rooms in said Hotel and Warehouse, or appendant buildings, not required for the use of the Hotel and Warehouse, they may sell and lease the same, and the same to sell, grant, alien, demise, and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place; and also, to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; and also, to ordain, establish, and put in execution such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law and this act; and generally to do and execute all and singular, such acts, matters, and things, that a corporation for particular purposes may rightfully do.

By-laws.

President &amp; Directors, how and when to be chosen.

SEC. 4. For conducting the affairs of said corporation, there shall be a President and four Directors chosen annually, by the stockholders, at a general meeting to be held in Henderson, on the first Monday in April, at some place to be designated by the by-laws: *Provided*, That the first election of President and Directors shall not be included in the said regulation, but shall be held at the time and in the manner hereafter pointed out by this act: *And provided, also*, That in case it shall happen that an election of Directors should not be made upon any day, when, pursuant to this act, it might have been done, the said corporation shall not, for that cause, be dissolved, but it shall be lawful, on any other day, to hold and make an election for President and Directors, in such manner as shall be regulated by the by-laws of said corporation; and the former President and Directors shall continue in office until such new election shall be made; and in case of the death, resignation, or absence from the State, of the President or any Director, his place shall be filled by some person elected by a majority of the remaining members of the Board.

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Agents and  
officers to be  
appointed.

**SEC. 5.** The President and Directors shall have power to appoint agents, officers, and servants under them, for executing the business of the corporation, removable at pleasure, and to allow them such compensation as shall be reasonable; and the said President and Directors, for the time being, may make, revise, alter, or annul, such rules, orders, by-laws, and regulations for the government of said corporation, its agents, officers, and servants, as they, or a majority of them, from time to time, shall deem expedient: *Provided*, That no such rule or by-law shall be inconsistent with the laws of the land or with this act.

None but  
stockholders to  
be President or  
Directors.

**SEC. 6.** In all elections each share shall entitle the owner to vote; none but a stockholder shall be eligible as a Director or President, and every President and Director shall vacate his office by ceasing to be a stockholder; and in all elections, the stockholders may vote in person or by attorney.

Quorum.

**SEC. 7.** It shall require three Directors, or the President and two Directors, to form a Board; and no compensation shall be given to the President and Directors, unless it shall be allowed by the stockholders at their general meeting.

Restriction  
as to real es-  
tate.

**SEC. 8.** The said corporation shall not be allowed to hold any real estate which does not lie in the present boundaries of the town of Henderson, and such other land as may be, in good faith, mortgaged or conveyed in trust, by way of security.

Stock assign-  
able.

**SEC. 9.** The stock in said company shall be assignable only on the books of said company, and shall, to all intents and purposes, be considered personal estate.

Dividends.

**SEC. 10.** The President and Directors shall, from time to time, make such dividends, arising from the rents and profits of the corporation, as they may think proper; and it shall be lawful for them to effect insurance on their Hotel and Warehouse, or any other house or property that may belong to said corporation.

May effect  
insurance.

Comm'rs to  
receive stock.

**SEC. 11.** To carry into effect this corporation, James Alves, Wyatt H. Ingram, James Rouse, Henry Delano, Littleberry Weaver, George Atkinson, William Anthony, and Lazarus W. Powell, are appointed Commissioners, who, or a majority of whom, shall, on the first Monday in April next, open books for the subscription of stock in said corporation, at the store of Henry Delano, in the town of Henderson; which books shall be kept open, from week to week, unless the whole of said stock shall, in a less time, be subscribed; and if it shall appear that thirty five shares or more be taken, the stockholders who have so subscribed for shares, shall meet at the store of Henry Delano, in the town of Henderson, on the first Monday in May next, or at such other time as may be designated by said Commissioners, or a majority of them, proceed to elect, by ballot, a President and four Directors, to serve until their successors shall be duly elected under the provisions of this act; and the person having the highest number of votes for

Books to be  
opened.

First meet-  
ing, when and  
where to be  
held, and for  
what purpose.

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President, shall be duly elected, and the four persons having the highest number of votes for Directors, shall be duly elected; and the President and Directors, so elected, shall meet at some convenient day thereafter, to be appointed by them, and organize their Board, by the appointment of a Secretary, who shall keep a record of the proceedings of the Board, and by the appointment of a Treasurer, from whom they shall take a bond for the faithful discharge of his duties, both of whom shall be removable at the pleasure of the Board.

SEC. 12. It shall be lawful for said President and Directors to make such call or calls, from time to time, on said stock, as they may require to complete said Hotel and Warehouse; which calls shall be paid to the Treasurer of the Company, and if any stockholder shall fail to pay such call or calls, it shall be lawful for the President and Directors to forfeit, for the use of the corporation, the sum or sums which may have been paid on said share: *Provided however*, That no call shall be made without giving two weeks notice of the time of payment, in some newspaper printed in Henderson, and at the court house door in the town of Henderson: *And provided, moreover*, That after the full amount of each share shall have been paid, the Board shall not have a right to make any further calls, without the consent of a majority of the stockholders at one of their annual meetings.

Calls on stock,  
by whom and  
when to be  
made.

SEC. 13. It shall be lawful for the President and Directors to open their books, at such time and in such way as they may think proper, for further subscriptions of stock, not to exceed, in all, two hundred shares, subject to such rules and regulations as they may prescribe.

Further sub-  
scriptions.

SEC. 14. It shall be lawful for the President and Directors, after the full amount of the stock which may be subscribed for aforesaid, at the first opening of the books aforesaid for subscription shall be fully paid, to borrow any sum of money which may be deemed necessary to complete and finish said Hotel, not to exceed twenty thousand dollars, and to pledge the effects of said corporation for the payment thereof.

May borrow  
money.

SEC. 15. In all suits instituted against this corporation, service of the process on the President and Secretary shall entitle the plaintiff to judgment by default, at the first term, if they shall fail to appear and answer to such suit; and it shall not, in all cases, be necessary to show a contract under the seal of the corporation, to maintain suit against them, but on the contrary, said corporation shall be bound by any written contract or parol contract, expressed or implied, which may be made by any of their agents or superintendents, in the name of said corporation, provided such parol or written contract shall be within the fair meaning of the power or authority granted or delegated to such agent or superintendent.

Service of pro-  
cess on Presi-  
dent and Sec-  
retary to be  
good.

May be held  
liable on writ-  
ten or parol  
contracts.

Approved, March 10, 1843.

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## CHAPTER 328.

AN ACT for the benefit of Benjamin Webb, and his securities.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the damages upon a judgment in the General Court, against Benjamin Webb, Sheriff of Perry county, and Elijah Combs, Jr., Elijah Combs, Sr., and Jesse Combs, his securities, for forty four dollars and forty one cents, being eighteen per centum per annum, from the 3d day of December, 1832, be, and the same is hereby, released to said defendants.

SEC. 2. *Be it further enacted*, That if said Sheriff, or any of his securities, shall, by any satisfactory evidence, prove to the Second Auditor, that the principal of said judgment has been paid to the Sergeant, or any of his deputies, so as to authorize the said Second Auditor to charge the officer so collecting it, then the principal of said judgment shall also be released to said Sheriff and securities, and the proper officer charged with the same.

Approved, March 10, 1843.

## CHAPTER 329.

AN ACT for the benefit of Thomas Dodson and Samuel Richardson.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Dodson and Samuel Richardson, of the county of Wayne, may be permitted to keep, each of them, a floating mill on Cumberland river, in said county: *Provided*, That said mills shall not be kept so as to interrupt the free navigation of said river:

Approved, March 10, 1843.

## CHAPTER 330.

AN ACT for the benefit of Samuel Todd.

WHEREAS, Samuel Todd was appointed to audit and settle the entire accounts between the State of Kentucky and Joel Scott, as late Keeper of the Penitentiary, for a period of upwards of nine years, and said Todd was laboriously engaged for the last nine months, in making a full examination of the books, and has expended about the sum of five hundred and eighty dollars for the hire of competent clerks to aid him in his investigations, and having produced the result and procured a fair balance sheet, which was satisfactory to the parties, and made to the State the sum of \$5,729 16, for which labor the said Todd, after paying the expenses out of his own pocket, only



leaves him the small sum of \$220 for his services, and that justice may be done,

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*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Samuel Todd, be, and he is hereby, authorized to receive out of the proceeds of a decree rendered by the General Court, at the last term, for the said sum of \$5,729 16, against the said Joel Scott, the sum of two hundred and fifty dollars, as a further compensation, and said Todd's receipt for that amount to the said Joel Scott, shall be credited to said Scott on said decree, on any execution which may issue for the same.

Approved, March 10, 1843.

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CHAPTER 331.

AN ACT for the benefit of Merida Collins.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the County Court of Harrison county, a majority of the Justices of the county concurring therein, to alter and change the State road from Lee's Lick to Williamstown, so far as the same is located upon the land of Merida Collins: *Provided,* That if, in the opinion of said court, no inconvenience will result to the community by such alteration or change.

Approved, March 10, 1843.

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CHAPTER 332.

AN ACT for the benefit of Garland Bullock, and his securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor of Public Accounts is hereby directed to enter a credit on the judgment obtained by the Commonwealth of Kentucky against Garland Bullock, late Sheriff of Carroll county, and his securities, for the amount of the damages for which judgment was rendered against said Bullock, and his securities, for failing to pay the revenue tax for the year 1841.

Approved, March 10, 1843.

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CHAPTER 333.

AN ACT to amend an act to establish a road from the mouth of Laurel to Bates' Salt Works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Laurel shall in no wise have any management of that part of the appropriation

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set apart for the improvement of said road in the county of Whitley; and the County Court of Laurel shall apply the appropriation intended for said county, to cutting out and opening the aforesaid road; and the Commissioners appointed to locate said road, may terminate the same on the Cumberland river, wherever they may deem best and most favorable.

Approved, March 10, 1843.

#### CHAPTER 335.

AN ACT divorcing sundry persons of this Commonwealth.

**SEC. 1.** *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriage contracts now existing between the following persons, be dissolved, set aside, and held for naught, and are hereby restored to all the privileges of unmarried persons, in the manner herein directed, to-wit: Elvira P. Graves, from her husband, Zur H. Graves; Mahala Babbit, from her husband, Ebenezer Babbit; Joannah Jarrett, from her husband, John Jarrett; John C. Watts, from his wife, Susannah Watts; Elizabeth Cole, from her husband, James S. Cole; William Steene, from his wife, Elender Steene; Samuel Fowler, from his wife, Elizabeth Fowler; Elizabeth Jane Harley, from her husband, Thomas Harley; Stacy Terry, from her husband, Joseph Terry; James M. Stephens, from his wife, Susan Jane Stephens; Virginia Hunt, from her husband, Alemith Hunt; Andrew Craig, from his wife, Hannah W. Craig; Orri Fugate, from her husband, Benjamin Fugate; Nancy Dexter, from her husband, Silas Dexter; William Menser, from his wife, Catharine Menser; Abel Morgan, from his wife, Zelpha Morgan; Aaron Allison, from his wife, Martha Ann Allison; Murry M'Alister, from his wife, Elvira M'Alister; Patience Ryon, from her husband, G. W. Ryon; Samuel Blair, from his wife Catharine Blair; Mealey Long, from her husband, Gabriel Long; Mahala Carroll, from her husband, Simeon E. Carroll; George Silvertooth, from his wife, Lucy Silvertooth.

**SEC. 2.** *Be it further enacted,* That the marriage contracts now existing between John F. Conn, and Susannah Conn; Francis O'Bannon and Catharine his wife; James T. Montague, and Sarah Ann Montague, his wife, be forever dissolved, set aside and declared null and void, on all of their respective parts, and that they are hereby restored to all the rights and privileges of unmarried persons.

**SEC. 3.** *Be it further enacted,* That the following persons, declared divorced in the first section of this act, be hereafter called and known by the following names, to-wit: Elvira P. Graves, by the name of Elvira P. Fisher; Orri Fugate, by the name of Orri Richey; Nancy Dexter, by the name of Nan-

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ey Woodward; Patience Ryon, by the name of Patience Bates.

SEC. 4. *Be it further enacted*, That John Gregory be divorced from his wife, Rebecca Gregory; Jane Mason, from her husband, Joel Mason; William W. Stewart, from his wife, Sarah Stewart; Coleman Beach, from his wife, Elizabeth Beach; Sarah Stewart, from her husband, W. W. Stewart; and her name changed to Sarah Duvall: John F. McCullough, from his wife Catharine; Peter Scheseler, from his wife, Frederica Louisa Scheseler; and William H. Reeves, from his wife, Elizabeth Reeves.

SEC. 5. That Lewis Strack be restored to all the rights of an unmarried man.

SEC. 6. *Be it further enacted*, That Cornelius Murphy be divorced from his wife, Priscilla Murphy, and be restored to all the rights and privileges of an unmarried man.

SEC. 7. That James Robinson be divorced from his wife, Mary Ann Robinson.

SEC. 8. That James E. White be divorced from his wife, Patsey White; and he is restored to all the rights and privileges of an unmarried man.

SEC. 9. That George W. Baker, be, and he is hereby, divorced from his wife, Nancy Baker.

SEC. 10. That Hannah W. Craig is hereby divorced from her husband, Andrew Craig; and she is restored to her former name, Hannah W. Blair.

SEC. 11. That Lucy Silvertooth, be divorced from her husband, George Silvertooth; and restored to all the privileges of an unmarried woman.

SEC. 12. That Andrew Lovelace, Sr., of Ballard county, be divorced from his wife Sarah; and he is hereby restored to all the rights of a single man.

SEC. 13. That the marriage contract heretofore existing between Lewis L. Fisher and Betsey Ann Fisher, be, and the same is hereby, forever dissolved; and the said Lewis L. is restored to all the rights of an unmarried man.

SEC. 14. That Sarah A. Chappell, of Greenville, Muhlenberg county, be, and is hereby, divorced from her husband, Humphrey T. Chappell; and that said Sarah A. be restored to all the rights and privileges of an unmarried woman, and to her maiden name of Sarah A. January.

SEC. 15. That James S. Cole, be, and he is hereby, divorced from his wife, Elizabeth Cole; and that he be restored to all the privileges of an unmarried man.

SEC. 16. That the marriage contract between David Hall, and his wife, Tabitha Hall, be, and the same is hereby, dissolved; and the said David Hall is hereby restored to all the rights of an unmarried man.

SEC. 17. That the name of Tabitha Hall, who has obtained a divorce from her husband, David Hall, be changed to her maiden name of Tabitha Stallings.

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SEC. 18. That the name of Mahala Carroll, be changed to that of Mahala Burchfield.

SEC. 19. That the name of Catharine O'Bannon, be changed to Catharine Pearl.

SEC. 20. That the marriage contract heretofore existing between Patrick H. Randolph and Mary W. Randolph, be, and the same is hereby, dissolved; and the parties above named are hereby restored to all the rights and privileges of unmarried persons.

SEC. 21. That Henry P. Helm, be, and he is hereby, released from the penalties of a second marriage, his wife having heretofore obtained a divorce.

SEC. 22. That Sally Ann Hatton, be, and she is hereby, divorced from her husband, William Hatton; and that her name be changed to her maiden name of Sally Ann Gosney.

SEC. 23. That Mary Matlock, of Cumberland county, be divorced from her husband, Robert Matlock; and her name changed to that of Mary Logan: and that William Bowen, of the same county, be divorced from his wife, Polly Bowen; and restored to all the rights of an unmarried man.

SEC. 24. That the marriage contract, heretofore existing between Henry Perkins and Bythema Perkins, his wife, be, and is hereby, dissolved; and that they be entitled to all the privileges of unmarried persons.

SEC. 25. That America Farish be divorced from her husband, Buford Farish; and she is hereby restored to all the rights and privileges of an unmarried woman, and that she be restored to her maiden name, America Cabaness.

SEC. 26. That Thomas Gaines, of Green county, be divorced from his wife, Catharine L. Gaines.

SEC. 27. That Elender Steen be divorced from her husband, William Steen; and that she be restored to her former name, Elender Cartice.

SEC. 28. That the marriage contract between James Penn and Betsey, his wife, be, and the same is hereby, dissolved; and they are hereby restored to all the rights and privileges of unmarried persons, and the said Betsey is hereby restored to her maiden name, Betsey Lee.

Approved, March 10, 1843.

#### CHAPTER 336.

AN ACT to extend the bounds of the town of Dover, in Mason county, and for other purposes.

Extension. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Dover, in the county of Mason, be, and they are hereby, authorized, by an ordinance of the Trustees of said town, to extend the corporate bounds of said town, so as to include the addition made to said town by Arthur Fox, Esq., and known

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as New Dover. That the Trustees of said town of Dover shall cause a plat of the addition made by Arthur Fox, to the said town of Dover, to be recorded in the Clerk's office of the County Court of Mason, in the same manner the original plat of said town was required to be recorded. That the Trustees of the said town shall have authority to enforce the collection of all fines that may be assessed under the by-laws and ordinances of said town; and such fines shall be applied to the use of the town: *Provided*, That this act shall not give to the Trustees of said town authority to appropriate any fines assessed for a violation of the penal laws of this State, which are now applied, by law, to the Jury Fund.

Fines to be collected.

SEC. 2. *Be it further enacted*, That Robert O'Brien be allowed to close the alley between lots 58 and 59, and lots number 79 and 80, in the town of Bedford, in Trimble county.

R. O'Brien may close an alley in Bedfd.

SEC. 3. *Be it further enacted*, That the Trustees of the town of Bedford, be empowered to sell and convey, by deed, to the highest bidder, with good and sufficient security, due in twelve months from sale, all that part of the south end of Carr street between Locust and Mulberry streets in said town.

Trustees of Bedford may sell street.

SEC. 4. *Be it further enacted*, That the Trustees of said town shall advertise, in three of the most public places in the town, thirty days before said sale shall take place, the intention of said Trustees, and to what purpose the money is to be applied.

Sale to be advertised.

Approved, March 10, 1843.

CHAPTER 337.

AN ACT to divorce William Hamilton and Dorcas Haydon.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract between William Hamilton and Polly, his wife, be, and the same is hereby, dissolved, so far as it relates to the said William Hamilton, and he is restored to all the rights of an unmarried man.

SEC. 2. *Be it further enacted*, That the marriage contract now existing between James Haydon and Dorcas Haydon, his wife, be, and the same is hereby, dissolved, so far as it relates to the said Dorcas, and she is restored to all the rights of an unmarried woman.

Approved, March 10, 1843.

CHAPTER 338.

AN ACT for the benefit of the Sheriff of Anderson county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Randal Walker, Sheriff of Anderson county, shall have until the first day of June next, to pay into the Treasury the balance of the revenue tax due from

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him for the year 1842: *Provided*, That the said Sheriff shall, at the March or April terms of the Anderson County Court next, appear in court with his securities, and enter on the record of said court, their assent to the extension hereby granted, a copy of said assent to be filed with the Second Auditor, by the 20th day of April next.

SEC. 2. That said Sheriff shall be exonerated from all damages that have, or may accrue, for failing to pay the revenue aforesaid, upon his complying with the requisitions of this act.

Approved, March 10, 1843.

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#### CHAPTER 339.

AN ACT for the relief of James and Robert Fish.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, so much of the old Cincinnati road, lying in the county of Scott, as runs upon the farms of James and Robert Fish, about one mile in length, shall cease to be a public highway.

Approved, March 10, 1843.

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#### CHAPTER 340.

AN ACT for the benefit of Thomas Simmons, Silas Gray, and W. W. Simmons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Thomas Simmons, Silas Gray, and William W. Simmons, to erect a fish trap on Salt river, above Peacock's island: *Provided*, That the dam of said trap shall not exceed three feet in height, above low water mark: *And provided further*, That the Legislature of this Commonwealth may, at any time hereafter, repeal this act, and compel the said Thomas Simmons, Silas Gray, and William W. Simmons, to remove the said dam and trap: *And provided further*, That the said Thomas Simmons, Silas Gray, and William W. Simmons, shall execute bond, in the County Court of Bullitt county, conditioned to pay any damages that may be sustained by individuals navigating said stream, in consequence of the erection of said dam.

Approved, March 10, 1843.

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#### CHAPTER 341.

AN ACT to repeal all acts declaring Floyd's Fork a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all acts or parts of acts heretofore passed, declaring Floyd's fork of Salt river a navigable stream, be, and the same is hereby, repealed.

Approved, March 10, 1843.

CHAPTER 342.

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AN ACT for the benefit of Lewis H. Chrisman, and his securities.

WHEREAS, it is represented to this General Assembly, that Lewis H. Chrisman entered into a bond to the Commonwealth of Kentucky, dated the 15th day of September, 1841, with Henry Rowland, Moreau Brown, and William Fisher, as his securities, for the safe keeping and return of forty pair of pistols. And whereas, it is represented to this General Assembly, that the said pistols was never received by said Chrisman: For remedy,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lewis H. Chrisman, Henry Rowland, Moreau Brown, and William Fisher, be, and the same are hereby, wholly discharged and released from the penalties of said bond, entered into as aforesaid, and the same shall be void and of no effect.

Approved, March 10, 1843.

CHAPTER 343.

AN ACT to legalize the settlement of the Court of Assessment of the 20th Regiment of Kentucky Militia.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the adjourned meeting of the Court of Assessment of the 20th Regiment of Kentucky Militia, which adjournment was from the third Thursday in October, 1842, to the 9th day of January, 1843, be, and the same is hereby, legalized; and the settlement then made with the Sheriff, is also hereby legalized.

SEC. 2. That the Paymaster of said 20th Regiment of Kentucky Militia, shall have power and authority to settle the affairs of said regiment, with the Judge Advocate, as the Colonel had power to do, the Colonel having left the State with the papers of said regiment.

Approved, March 10, 1843.

CHAPTER 344.

AN ACT for the benefit of the Common Schools in Wayne county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Wayne shall, at their March or some subsequent term of said court, appoint a county Treasurer, who shall enter into bond, in open court, with one or more good and sufficient securities, in the penalty of five thousand dollars, for the faithful discharge of his duties, as hereinafter provided; said bond shall be made

County C't  
to appoint a  
Treasurer who  
shall give bond  
and take oath.

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Settlement  
to be had with  
Comm'rs.

Money to be  
paid over to  
Treasurer, and  
by him loaned.

Treasurer to  
be Com'r to sell  
lands.

Funds to be  
kept as school  
fund.

Matter of  
Com'rs report.

Treasurer to  
make report to  
County Court  
annually.

To be appoin-  
ted annually.

Com'rs may  
be sued, &c.

payable to the County Court of Wayne and their successors; and said court shall require the usual oath to be administered to the Treasurer.

SEC. 2. *Be it further enacted*, That said Treasurer shall forthwith (after his appointment and qualification,) notify the Commissioners to attend the next County Court, and said court shall cause a settlement to be made with said Commissioners, requiring them to return, on oath, in open court, a true and faithful account, in writing, of all moneys that may have come to their hands from all sources, arising from the sale of vacant or Seminary lands; and said money, so accounted for, shall be paid over to the county Treasurer, to be by him put at interest, or loaned out at a rate of interest not exceeding ten per cent. per annum, said Treasurer requiring, in the notes or bonds, good and sufficient security for the faithful payment; no loan shall be for a longer period than six months, without a renewal of said bond or note.

SEC. 3. That said Treasurer, shall be Commissioner of the county, to sell certificates of vacant lands; shall have power to settle all matters remaining unsettled, on account of the Seminary land, belonging to Wayne county; receive all moneys belonging to said county, in consequence of Common Schools.

SEC. 4. That said fund shall be kept and perpetuated, as a fund for the support of schools, for Wayne county, to be applied by the County Court, whenever said county shall adopt some general system of schools throughout said county.

SEC. 5. That said Commissioners, in making their report to the County Court, shall report the sales made by them, and to whom said sales were made, the amount of each sale, and the time when made.

SEC. 6. That the Treasurer shall make a report, annually, upon oath, to the County Court, at the December or January term of said court, of the principal, interest, and debts, giving the names and securities of all debts; and the Clerk shall spread the same upon the records of said court; said Treasurer shall receive, for his services, a sum to be allowed by the County Court, out of said fund; said Treasurer shall, after the present year, receive his appointment annually, and be chosen by the County Court, at the December term, and shall hold his office until his successor be appointed.

SEC. 7. That if said Commissioners, or either of them, shall fail or refuse to comply with all the requisitions of this act, the County Court is hereby empowered, on motion of the Treasurer, (ten days notice having been previously given) to give judgment for the moneys, and the value of the securities that appear to be remaining in his hands, and thirty per cent. damages upon the same, with costs.

SEC. 8. That the Treasurer shall sue and be sued, plead and be impleaded, in consequence of all unsettled matters, in any



wise relating to said fund, in any court having competent jurisdiction.

SEC. 9. *Be it further enacted*, That the election precinct, in Ballard county, held at the house of William H. Reeves, be, and the same is hereby, removed to the town of Blandville, in said county.

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Election precinct in Ballard county removed.

Approved, March 10, 1843.

## CHAPTER 345.

AN ACT for the benefit of the heirs of Solomon Baker, and others.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the heirs of Jane Baker, deceased, late wife of Solomon Baker, of Adair county, shall have the right, in conjunction with the children of Jane Paxton, to file their petition in chancery, in the Adair Circuit Court, to dispose of an interest in a tract of about one hundred and eighteen acres of land, in Adair county, devised to the said Jane Paxton by her father, William Cacy; and if, in the opinion of the court, it shall seem right, and to the interest of the petitioners, may order and decree a sale of their interest in said land, under such rules and regulations as the court may require, taking care to take bond with good security, in sufficient penalty to secure the interest of the infants, according to the laws now in force in relation to the sale of infants' real estate.

Approved, March 10, 1843.

## CHAPTER 346.

AN ACT to repeal an act, entitled, an act to establish a State road from Liberty, in Casey county, to Albany, in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to establish a State road from Liberty, in Casey county, through Russell county, to Albany, in Clinton, approved February 12th, 1842, be, and the same is hereby, repealed.

Approved, March 10, 1843.

## CHAPTER 347.

AN ACT for the benefit of Caleb T. Worley, and his securities.

WHEREAS, Caleb T. Worley, as principal, with James L. Rice, William R. Keen, and James H. McCampbell, as his securities, did, on the 27th day of August, 1841, enter into a bond to the Commonwealth, for the return of forty stand of cavalry arms; and whereas, the said Worley has safely re-

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turned said arms, with the exception of two swords and one pair of pistols, which has been unavoidably lost: For remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said Worley and his securities be, and they are hereby wholly discharged and released from the penalties of said bond, so entered into by said Worley and his securities, and the said bond is hereby made void.

Approved, March 10, 1843.

#### CHAPTER 349.

AN ACT for the benefit of Lois Smallwood.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts issue to Lois Smallwood, committee for Eunice Smith, a warrant on the Public Treasury for the sum of fifty dollars, in consideration of the services rendered and expenses incurred by the said Lois Smallwood, in lodging, boarding, and taking care of said Eunice Smith, a lunatic, from the 27th day of September, 1841, to the 27th day of September, 1842; and that the Treasurer pay said sum out of any money in the Treasury not otherwise appropriated.

Approved, March 10, 1843.

#### CHAPTER 350.

AN ACT for the benefit of the Common Schools in the county of Graves.

Treasurer to be appointed; to give bond & take an oath.

*SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Graves county, shall, at their March or April, or some succeeding term, appoint a county Treasurer, who shall enter into bond, with one or more good and sufficient securities, in the penalty of five thousand dollars, for the faithful discharge of his duties, as are hereinafter prescribed, which bond shall be made payable to the Justices of the County Court of Graves county and their successors; and the said Treasurer shall also take an oath for the faithful discharge of his duties.

Trustees of Graves Seminary to settle with County Court and pay over moneys, &c.

*SEC. 2.* That the said Treasurer shall, forthwith after his appointment and qualification, notify the Trustees of Graves Seminary, to attend the next County Court, and said court shall cause a settlement to be made with the said Trustees, requiring them to return, upon oath, in open court, a true and faithful account in writing, of all moneys that may have come to their hands from all sources, arising from the sale of Seminary lands, and said moneys so accounted for, shall be paid over to the county Treasurer; and all notes, bonds and securities,

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Treasurer to  
loan out funds.Treasurer to  
be Commissioner  
to sell va-  
cant lands.Funds to be  
kept as school  
fund.Treasurer to  
report annual-  
ly.When to be  
appointed.Suit may be  
brought against  
Trustees.

taken therefor, shall be delivered to him; and the said Treasurer shall loan the said moneys, and collect or re-loan the money secured by notes, bonds, and other securities, at a rate of interest not exceeding ten per cent. per annum, upon good and sufficient security; but no loan shall be for a longer term than six months, without a renewal of the securities.

SEC. 3. That said Treasurer shall be Commissioner of the county, to sell certificates of vacant lands; and shall have power to settle all matters remaining unsettled, on account of the Seminary lands belonging to Graves county, and receive all moneys belonging to said county for school purposes.

SEC. 4. That said fund shall be kept and perpetuated as a fund for the support of schools for Graves county, to be applied by the County Court, whenever said county shall adopt some general system of schools throughout said county.

SEC. 5. That the Treasurer shall make a report annually, upon oath, to the County Court, at their December or January term, of the condition of the funds in his hands; and shall receive such compensation for his services as the County Court may deem proper; and after the first appointment, the Treasurer shall be appointed annually, at the December term, and shall hold his office until his successor shall be appointed.

SEC. 6. That if said Trustees of Graves Seminary, or either of them, shall fail or refuse to comply with all and singular the requisitions of this act, the County Court may, on the motion of the Treasurer, ten days notice in writing having been given, give judgment for the moneys remaining in his hands, and for the amount of the bonds, notes, or other securities, he may have in his possession, and thirty per centum damages upon the same, with costs, and direct execution to issue accordingly.

Approved, March 10, 1843.

#### CHAPTER 357.

AN ACT for the benefit of Samuel Simpson, deputy Sheriff of Green county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Samuel Simpson, deputy Sheriff for William Simpson, late Sheriff of Green county, be, and he is hereby, allowed the further time of one year, to collect the arrearages of taxes, fee bills, and militia fines, remaining in his hands for collection.

Approved, March 10, 1843.

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## CHAPTER 358.

AN ACT for the benefit of William A. Garth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William A. Garth, of Todd county, be, and he is hereby, permitted to import into this State two negro boys, now, and for several years past, owned by him in the State of Tennessee, upon the said Garth making affidavit before the Clerk of the Todd County Court, that said boys are imported for his own use, and not for merchandize, and setting forth in said affidavit the names and ages of said slaves.

Approved, March 10, 1843.

## CHAPTER 361.

AN ACT to change the time of holding the County Courts of Morgan and Breathitt counties, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the County Court of Morgan county shall be holden on the third Monday in each month, except in the months when the Circuit Court for said county is held.

SEC. 2. That the County Court of Breathitt county shall be holden on the first Monday in each month, hereafter.

SEC. 3. *Be it further enacted*, That the election precinct heretofore held at the mouth of Stinnett creek, in Clay county, is hereby changed to the house of John Lewis, in said county.

SEC. 4. *Be it further enacted*, That an election precinct is hereby established at the house of George Chapel, in Clay county, and shall be governed by the laws now in force regulating elections.

Approved, March 10, 1843.

## CHAPTER 362.

AN ACT for the benefit of Somerset.

WHEREAS, on the 5th day of February, 1842, an act passed for the benefit of Somerset, and it appearing to this General Assembly, that the provisions of said act do not meet the approbation of the citizens of said town of Somerset: Wherefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said act be, and the same is hereby, repealed.

Approved, March 10, 1843.

## CHAPTER 363.

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AN ACT to extend the Constable's district of the city of Lexington, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the County Court of Fayette, to extend the Constable's district of the city of Lexington, to any distance beyond the limits of said city, not exceeding two miles, and assign six Constables to said district, and no more.

SEC. 2. That it shall and may be lawful for said County Court to lay off the balance of the county of Fayette into eight Constables' districts, and assign one Constable to each district, and no more; and that all acts, or parts of acts, allowing to said city and county more than fourteen Constables, be, and the same are hereby, repealed.

Approved, March 10, 1843.

## CHAPTER 368.

AN ACT for the benefit of Mrs. Jones, of Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President and Directors of the Georgetown and Covington Turnpike road, in Scott county, be authorized to make Peter Jones' house a point in said road, conformably with the original charter, or to release the widow and heirs of said Peter Jones, deceased, from the further payment of stock subscribed by him, and that said Board be directed to issue a certificate of stock for the amount already paid.

Approved, March 11, 1843.

## CHAPTER 369.

AN ACT to repeal the fourth section of an act, entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fourth section of an act, entitled, an act to amend an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county, be, and the same is hereby, repealed.

Approved, March 11, 1843.

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## CHAPTER 370.

AN ACT to amend the charter of the Louisville Turnpike Road Company, and Louisville and Elizabethtown Turnpike Company.

Time of holding elections for Managers.

Suits for stock subscribed.

Road between Elizabethtown and Munfordsville and Bell's Tavern, when and where elections of Managers, &c., to be held.

Suits for stock.

Tolls on stages, &c., regulated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the stockholders who subscribed to construct that part of said road which lies between the city of Louisville and Elizabethtown, shall hold their annual meeting, for the election of a President and Managers, in the city of Louisville, on the Saturday succeeding the first Monday in April; and all suits now pending, or may hereafter be brought, to enforce any contract heretofore made with said company, either for stock subscribed, or other contract, may and shall be prosecuted in the name and style of the President and Managers of the Louisville and Elizabethtown Turnpike Road Company, and by that name and style may sue and be sued.

SEC. 2. That the stockholders who may have subscribed to construct that part of said road which lies between Elizabethtown and Munfordsville, and between Munfordsville and Bell's Tavern, shall meet in the town of Munfordsville on the second Monday in April, in each year, and elect a President and five Managers, and a Treasurer; and upon the acceptance and qualification of the President and Managers, they may, in the name and style of the President and Managers of the Louisville Turnpike Road Company, sue and be sued; and in that name and style may sue for and recover any stock which may have been subscribed for the purpose of making and constructing said road, or any part thereof.

SEC. 3. That said companies shall not charge the stage coach, or wagons of burthen, any toll for travelling on the parts of said road graded and not McAdamized, in the months of December, January, February, March, and April; nor shall either of said companies be authorized to charge the mail stage more than one-half of the charges made against wagons for travelling on the graded parts of said road, so long as the same may remain not McAdamized, any law to the contrary notwithstanding.

Approved, March 11, 1843.

## CHAPTER 371.

AN ACT to amend the act, entitled, an act to incorporate the town of Independence, in the county of Kenton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first election of Trustees for said town shall be held on the first Saturday in April, 1843, instead of the time designated in said act.

Sec. 2. That the boundary line, or limits, of said town shall be altered so as to include the house and lot of W. A. Pendleton.

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Approved, March 11, 1843.

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CHAPTER 374.

AN ACT for the benefit of William H. Wooten.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William H. Wooten, of Monroe county, be, and he is hereby, authorized to bring into this Commonwealth his slaves, Emily, and her two children, William and John, purchased by him of Robert Welch: *Provided*, He shall, within thirty days after introducing said slaves, file, and cause to be entered on the order book of the County Court, his affidavit, describing said negroes, and that he in good faith purchased them to secure a debt, and that he intends to keep them for his own use.

Approved, March 11, 1843.

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CHAPTER 375.

AN ACT to incorporate School Trustees in the town of Ghent, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George W. Booram, Richard Surles, William Thompson, James Cox, John O. Neal, George L. Rollings, and Lewis Smith, and their successors in office, be, and they are hereby, established and constituted a Board of Trustees, for the government and regulation of the School, in the town of Ghent, Carroll county; made capable of suing and being sued, plead and be impleaded, contract and be contracted with, to answer and be answered, in any courts of justice or equity, having jurisdiction in this Commonwealth.

Trustees appointed, their powers and duties.

Sec. 2. *Be it further enacted*, That the present Trustees of said town of Ghent, be, and they are hereby, authorized to convey to the said Trustees hereby established, by deed, the School House and lot of ground in said town of Ghent, in trust for the benefit of parents and guardians who have children to educate residing in said district, as now laid off under the Common School Law.

Trustees of Ghent to convey school house.

Sec. 3. *Be it further enacted*, That the town Trustees shall have the privilege of sitting in said School House to transact all business for the benefit of said town of Ghent: *Provided however*, That the town Trustees shall select such time for the transaction of their business as will not interfere with business of the school.

Trustees of town to use school house.

Sec. 4. *Be it further enacted*, That the present Trustees

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shall continue in office till the first day of April, 1844, and until their successors shall be elected.

Time of election.

SEC. 5. *Be it further enacted*, That parents and guardians residing in said district, shall, during the month of March, in every year, hold an election at the School House in said town of Ghent, for School Trustees; and should said election not be made as above provided, then the old Trustees shall hold their offices till their successors shall be elected.

Examination of teachers.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Trustees, to examine all the applicants for the office of Instructor, as to his capability and qualification, and give a certificate accordingly.

Rules and regulations.

SEC. 7. *Be it further enacted*, That it shall be the further duty of said Trustees, to adopt rules and regulations for the government of said School, and that they see such rules be carefully and completely carried into effect.

Repealing clause.

SEC. 8. *Be it further enacted*, That all laws and parts of laws, coming within the purview of this law, be and the same are repealed.

Approved, March 11, 1843.

#### CHAPTER 377.

AN ACT for the benefit of Timothy Burgess, of Lincoln county, and others

Preamble.

WHEREAS, it is represented to this General Assembly, that Timothy Burgess, of the county of Lincoln, purchased sundry slaves in the State of Virginia, in January, 1842, with the view of disposing of said slaves in the State of Alabama, but owing to the ill health of said Burgess, and some of said slaves, he was induced to bring eight of them, in June last, to his residence in the county of Lincoln, for which eight several indictments were found by the grand jury of said county, at the June term of their Circuit Court, and that said Burgess has since removed the slaves aforesaid, out of, and beyond the jurisdiction of this Commonwealth; For remedy whereof,

Attorney for Com'th to enter nolle prosequi.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Commonwealth's Attorney for said district, upon the calling of said indictments, if it shall appear to the satisfaction of said court, that said slaves were removed, in good faith, from this Commonwealth, in August last, it shall, in that event, be the duty of said Attorney, to enter a *nolle prosequi*, in each of the aforesaid indictments: *Provided*, Said Burgess shall pay all costs which may have accrued upon the same.

Stigall may introduce slaves to this State.

SEC. 2. That Constantine Stigall, of Pulaski county be, and he is hereby, authorized to introduce and import in the State of Kentucky, from the State of Tennessee, four negroes, to-wit: one negro woman named Eliza, Mary Anne,



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and Bob, and a female child the name unknown, of said mother, for his own use; and also, take an oath before some Justice of the Peace of said county, within thirty days after said slaves shall have been introduced, that he did not bring said slaves with the intention of selling them; and shall have said oath recorded within thirty days after taking the same, in the office of the Clerk of the County Court of the county in which the oath is taken; and in case of his failure to comply with the conditions thereof, he shall be liable to all the penalties of an act, entitled, an act to amend the law prohibiting the importation of slaves, approved February 2, 1833.

SEC. 3. That George Washington, of the county of Robertson, and State of Tennessee, may bring into the county of Todd, five negroes for his own use, in the cultivation of his farm.

Washington  
may import  
slaves.

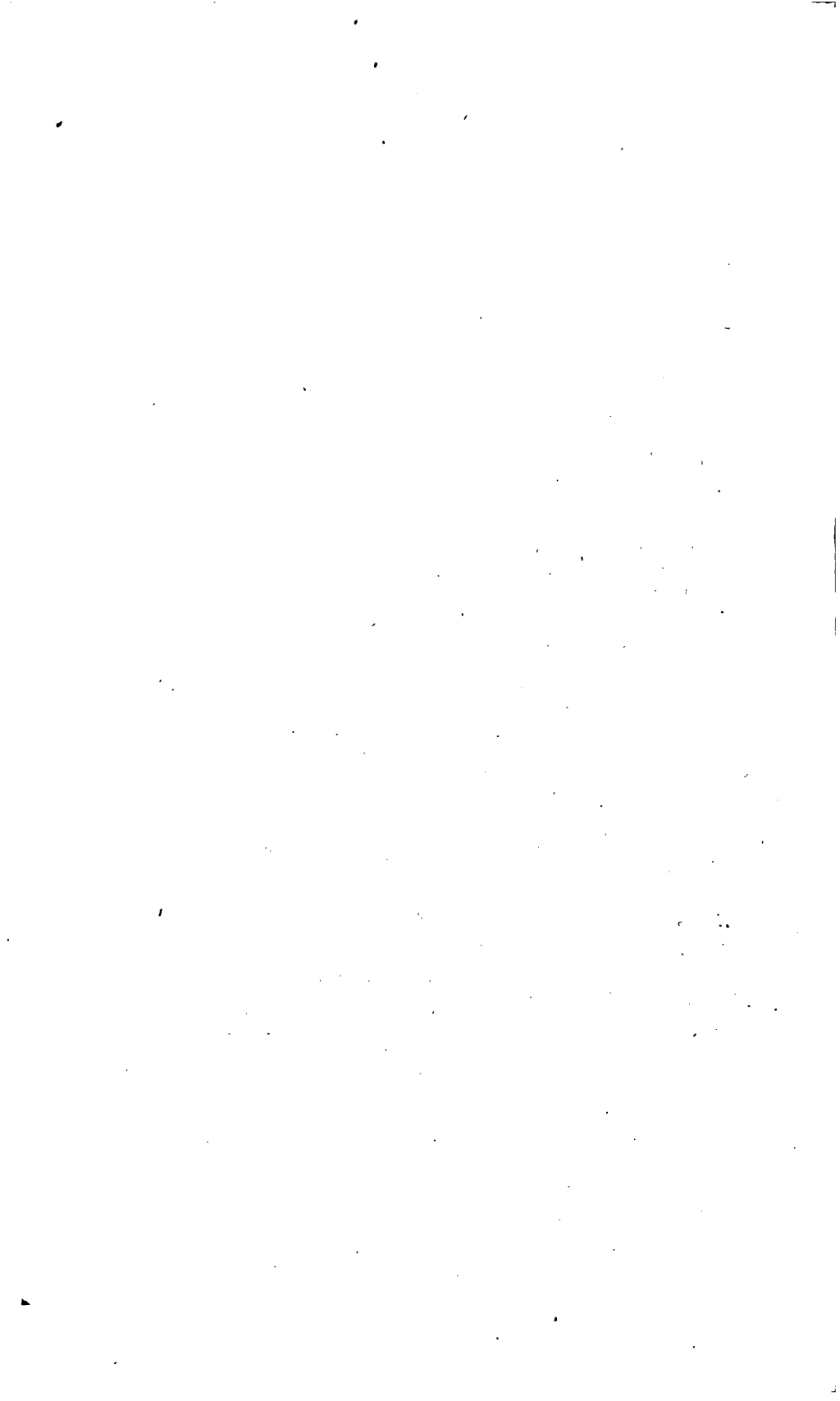
SEC. 4. That R. W. Graham, of Lincoln county, shall be permitted to import into this State, from the State of Georgia, two negro women and children, for his own use, being negroes purchased in Georgia, by said Graham, for debts he had sold stock for, and said negroes now remain in the State of Georgia, without any hire.

Graham may  
import slaves.

SEC. 5. That Nathaniel S. Burnett, of Hickman county, be, and he is hereby, authorized to bring into this State, two male slaves: *Provided*, He shall, within thirty days after introducing said slaves, make, and cause to be recorded, on the order book of the Hickman County Court, his affidavit, describing said negroes; and that he took them in part pay of a debt contracted while he resided in Tennessee, payable in money or negroes; and that it is his intention, in good faith, to keep said negroes for his own use.

Burnett may  
import slaves.

Approved, March 11, 1843.



## RESOLUTIONS.

No. 1.

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A RESOLUTION fixing a day for the election of a Senator in Congress.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That they will, on Saturday next, proceed to the election of a United States Senator, for the next six years, ensuing the fourth of March, 1843.

Approved, January 6, 1843.

No. 2.

A RESOLUTION for erecting a tomb over the grave of Joseph Desha, late Governor of Kentucky.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Governor be requested to cause a suitable tomb to be erected over the grave of General Joseph Desha, late Governor of Kentucky.

Approved, January 20, 1843.

No. 3.

A RESOLUTION to appoint a committee to settle with the Local Board of the Owingsville and Big Sandy Turnpike road.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That there be a committee appointed to settle with the local Board and President of the Owingsville and Big Sandy Turnpike road, and that they report to the next Legislature.

Approved, January 20, 1843.

No. 4.

A RESOLUTION to appoint a Committee to examine Transylvania University and the Lunatic Asylum.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of four members of the House of Representatives and two of the Senate be appointed to examine the Transylvania University, and the Lunatic Asy-

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lum, and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

Approved, January 20, 1843.

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No. 5.

A RESOLUTION in relation to the petition of Ernst Heeringen, upon the subject of the Milk Sickness.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That the petition of Ernst Heeringen, be referred to a joint committee of six from the House and three from the Senate, and that they report by bill or otherwise.

Approved, January 23, 1843.

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No. 6.

PREAMBLE AND RESOLUTIONS relative to the removal of obstructions to the navigation of the Ohio, Missouri, and Mississippi rivers, and the establishment of Marine Hospitals on said rivers.

THE General Assembly of the Commonwealth of Kentucky being deeply impressed with the importance of the navigation of the Ohio, Mississippi, and Missouri rivers, viewing them as great natural means of intercourse and commerce, not only for the wide and growing west, but intimately connected with the interest of the whole nation; and the magnitude of the work of removing obstructions in said rivers, rendering it utterly beyond the power of the States, individually, to accomplish it; and believing it to be the plain duty of Congress to improve these great highways of the continent, and remove the obstructions imposed on the commerce of the west.

*Be it resolved*, That the Senators and Representatives in Congress, from the State of Kentucky, be requested to bring the subject before Congress, and to urge a continuance of an annual and efficient appropriation for the purpose of improving the condition of the Ohio, Missouri, and Mississippi rivers.

*Resolved*, That we have entire confidence in the practicability and efficiency of the plan that has been adopted for the removal of the obstructions in those streams, and ask that ample appropriations should be continued by Congress for that purpose.

And intimately connected with the subject of the improvement of these streams, and second alone to it in importance, is the duty of providing a competent number of Marine Hospitals for the care and comfort of the sick and disabled boatmen who navigate them, many of whom are rendered objects of pity and charity, by exposure to a variety of climate, and the numerous accidents that occur upon these streams.

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*Be it resolved*, That it is due to those who are engaged in the commerce of the west, that a competent number of Marine Hospitals should be established and endowed upon the Mississippi and its tributaries, and upon the Lakes, for the benefit of sick and disabled boatmen; and that our Senators and Representatives in Congress are requested to use every effort to impress upon the government of the United States, the justness, propriety, and necessity, of complying with the suggestions contained in these resolutions.

*Resolved*, That his Excellency the Governor, be requested to forward a copy of the above resolutions to our Senators and Representatives in Congress, with a request that they be laid before that body.

Approved, February 3, 1843.

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No. 7.

A RESOLUTION fixing a day for the election of Public Officers, and Keeper of the Penitentiary.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That they will, on Friday, the 24th of February instant, proceed to the election of Public Officers, and a Keeper or Keepers of the Penitentiary.

Approved, February 24, 1843.

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No. 8.

PREAMBLE AND RESOLUTIONS in relation to the Oregon Territory.

The occupation of the Territory West of the Rocky Mountains, known by the name of Oregon, is considered by this General Assembly of immense importance to the future welfare and prosperity of the United States; that it is high time that our government shall assert our rights, and maintain them; our commerce in the Pacific Ocean, and on the Western coast of North America, imperiously demands that we should take possession of all the territory which is justly ours on that coast, and establish such posts, and insure such donations of land, as may be necessary for the protection of our trade, as it is well known that England has already established stations for the benefit of the British Fur Company, or, at least, has given her sanction to the same, and promised their protection, not only on our whole Northern border, but also at many points within our territory, on the Columbia river—therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That we cordially approve of the bill which passed the Senate of the United States, providing for the occupation of said Territory.

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*Resolved*, That we have seen with great satisfaction, that our Senators in Congress, Messrs. Crittenden and Morehead, both, ably advocated the passage of said bill.

*Resolved*, That the Governor of this State be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress, and also the President of the United States.

Approved, February 27, 1843.

No. 9.

PREAMBLE AND RESOLUTIONS relative to the purchase and manufacture of hemp, in Kentucky, for the use of the Navy of the United States.

WHEREAS, in the opinion of the General Assembly of the Commonwealth of Kentucky, it is the duty of the Congress of the United States to give encouragement to the agricultural and manufacturing products of our own country, by preferring all such articles, the growth and manufacture of the same, as may be needed for the various branches of the public service, to any similar article, the growth and manufacture of other countries. By thus preferring and using the products of our own country, we would not only give life and energy to individual enterprise, but would, at the same time, benefit the whole country, by retaining among us the money which would be paid out for the rival foreign product, and would, by this means, not only stop the increase of our foreign debt, the payment of the interest on which is one principal cause of our present embarrassment and distress, but would supply the means of paying off much of the principal of the debt itself. Among those products, which are of the first importance to the public service, and which deserve the fostering care of the General Government, is hemp. This article is grown extensively in several of the States, particularly in Kentucky, and if sufficient encouragement could be given to the domestic producer, by purchasing the native hemp for the use of the Navy, it would doubtless be prepared of a quality equal, if not superior, to the foreign article. But to insure this result, it is necessary that the government should establish an agency and manufactory, at some suitable point in Kentucky, to purchase and work up the hemp so intended to be used. This, at the first view, may seem to be a wild and visionary scheme, but it only requires a little reflection and examination, to satisfy any intelligent man that it is both practicable and reasonable. The quantity of hemp produced in Kentucky in 1840, as shown by the census of that year, was over nine thousand tons. It is believed by gentlemen well informed on the subject, that the crop of 1842, will exceed twelve thousand tons, and that two thirds of the whole crop are grown on the lands bordering on the Kentucky river.

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That river has been improved by locks and dams, about one hundred and twenty miles from its mouth, and is navigable for steamboats throughout the year. One of five dams and locks is located about one mile below Frankfort, the capitol of the State, and at a convenient point to be approached by good turnpike roads, from all this great hemp growing region. There will be a large amount of water power at the Frankfort dam, which will be leased out by the State, on long leases, renewable at the pleasure of the lessee. If Congress desired it, a manufacturing establishment could be erected at this point, at a comparatively trifling expense, and any quantity of hemp might be purchased in the neighborhood; and it is confidently believed, could be manufactured as cheaply to the government, as at any other place on the continent. Another advantage of this location is, that the manufactured article could be put immediately on board of steamboats and carried out to the Ohio river, and either up or down that river to any point which might be designated, at a very moderate cost for transportation. In addition, this location is contiguous to one of the most fertile tracts of country in the west, or perhaps in the world, which abounds in all the more substantial articles of subsistence, and at prices as cheap as could be desired; as for example, pork can be purchased, at this time, at from one dollar and fifty to one dollar and seventy five cents per hundred pounds net, and Indian corn at from fifteen to twenty cents per bushel, and other articles at nearly the same rates. Skillful operatives may also be employed in abundance at very low wages. Another advantage to be derived from manufacturing where the hemp is produced, would be the increased safety and convenience of transporting the article in a manufactured instead of a raw state. Raw hemp is bulky and very combustible, and subject to many casualties, from both fire and water while being transported in the raw state, but when spun or wove, it is compact and comparatively safe from such casualties. But by far the most important consideration, is, that the government, by manufacturing the hemp in the vicinity where it is produced, would give such an assurance of a home market to the producer, that the business of water-rotting would be undertaken with sufficient spirit to insure an abundant supply as soon as a manufacturing establishment could be prepared to receive it. There are many experiments making, and an increased desire among our farmers, to embark extensively in the business; but such is the uncertainty of their hemp passing the inspection of the agents of the government, after all the trouble and cost of preparing it at home, and the still greatly increased expense of transporting it to Boston, a thousand miles or more, to obtain a market, that it very much retards the enterprise, and a few disappointments, it is to be feared, would discourage it entirely. There is, in fact, one case which has come to the knowledge of the Legislature, of a crop of hemp which was examined by the

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gentleman who was sent out last summer to the west, by the Navy Department, and pronounced by him to be equal to the best Riga hemp that he had ever seen, and was afterwards sent on by the owner, to Boston, to be sold to government, and was there condemned and refused by the government agents, and was forced into the market under this disadvantage, and as might have been expected, a heavy sacrifice was the consequence. This fact shows the great importance of the government erecting a manufactory of hemp in the west. It may be asked why American hemp growers ought not to be subject to the same rules in regard to transporting their hemp to the sea board to be manufactured, as foreigners, who are required to cross the ocean to the same points, with theirs? The answer is, that there is no necessity for enforcing the rule against the native hemp, as we think it has been shown that the government would loose nothing by the change of the place of manufacturing, and a few simple facts will show that much may be gained by the change. And first; native hemp will be obtained by the government instead of the foreign, and, as has been shown, an amount of money equal to the cost of the hemp, will be saved to the country; and as the government was made by the people, for their own benefit, that which benefits the people, must benefit the government. Now, if the proposed arrangement be made, which is nothing more than that the government shall purchase from its own people an article it needs, and which the people have to sell, will it not benefit the people, and as a consequence, benefit the government? And, besides, if the government should succeed in the enterprise, as it most certainly would, is it not probable that such an example would powerfully influence the builders and owners of merchant ships, to seek their supplies of cordage from the same source, and thereby increase the American demand for the same American product, and thus stimulate the growers of this product to increased exertion, until the supply would equal the demand, however great? There is another aspect in which this subject is vastly important in a national point of view. It is in the event of war with foreign nations of great naval power and resources. Should that calamity overtake us, and who is so wise as to know that it will not, then, instead of the precarious supplies that we should be obliged to seek from abroad, we should have an abundance at home, and thereby prevent the sinews of war from being cut, by expending millions to foreigners, for an article which should have been made by our own people. The Legislature believe, that justice, as well as sound policy, demand the adoption of the proposed measure. It is a well known fact, that almost the whole government expenditure, for public works, is made on the sea board, in building and repairing the Navy, and in building light houses, custom houses, docks, quays, and fortifications on land as well as sea, while comparatively little or nothing is expended in the west, and especially in Kentucky.



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The establishment of the proposed manufactory would be some equivalent for the heavy contributions which have been made by the west, to the support of the Federal Government. They believe that a just and wise government should study to diffuse its benefits in an equal ratio with its burthens, and thereby strengthen the ties that bind its several parts together, as one people, united in heart, in affection, in interest. Such an equal distribution of the benefits with the burthens of the government, it is confidently believed, will render our happy union as durable as our own Alleganies, which, may Heaven grant, is the fervent prayer of the Legislature—therefore,

1. *Resolved*, That it is the deliberate conviction of this Legislature, that it is the interest of the Nation, that Congress should cause to be established, a manufactory of hempen cordage, for the use of the Navy of the United States, at some suitable point in Kentucky.

2. *Resolved*, That our Senators and Representatives in Congress be, and they are hereby, requested to use their best exertions to procure the adoption of the measure set forth in the first resolution.

3. *Resolved*, That the Governor be, and he is hereby, respectfully requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved, February 27, 1843.

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No. 10.

A MEMORIAL AND RESOLUTION respecting Christopher Miller.

The General Assembly of the Commonwealth of Kentucky, have, in common with their fellow citizens, witnessed, that the number of those worthies who fought in the Revolutionary War, and in the struggles with the savages, upon the termination of the Revolution, are yearly growing less in numbers, until very few are left; and as it is very desirable and necessary to the honor of our happy Republic, that those who hazarded their lives in bringing about the present prosperity which we enjoy, should be rewarded. In view of this subject, the Legislature of this State, in the year 1818, while there were living witnesses, passed certain resolutions, with a preamble, in relation to the services of Christopher Miller, then a resident of Hardin county, in this State, which preamble and resolutions, as published with our acts of Assembly, read as follows:

*“A Memorial and Resolution respecting Christopher Miller.*

“The Legislature of Kentucky cannot view the present happy state and condition of their country, as it respects her being secure from foreign invasion, without looking back, and

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inquiring how, and by what means she has attained this high, dignified and honorable station; in doing which, she discovers herself indebted, in gratitude, to many worthy men, who are no more; but the eye falls upon one, Christopher Miller, who is yet living, and who has never been noticed by the General Government, to whom, they conceive, she is greatly indebted, not only upon the principle of rewarding real merit, but upon the score of justice, founded on a promise made by a man, on the part of the United States, on whose promise Christopher Miller had a right to rely.

"In the year 1783, Christopher Miller, of Hardin county, in the State of Kentucky, was taken prisoner by the Indians, who was then about fifteen years of age; he remained a prisoner with them till the year 1794, when he was taken from them by the spies of Gen. Wayne. No sooner did he find himself in the midst of his brothers of America, than that spark of love of country, which had been almost extinguished by savage habits, burst into a flame, and he tendered his services to the General as one of his spies. In this character he acted for some time, going into the environs of the towns of the enemy, taking prisoners from his old masters, and bringing them to his General. At length it became necessary to send another flag to the enemy, several having been sent, and none having returned. The eyes of the board of officers were turned to Miller; he was applied to by the General, with an assurance, if he would undertake the task, and should succeed in the undertaking, he should receive from his government an independent fortune.

"The agreement is made, the ambassador sets out, the anxious eyes of his countrymen follow him, but scarcely a gleam of hope is left that he will ever return; but to their great joy, he performs the undertaking, finishes the task, effects the objects of his mission, and on the fourth day returns to his general; peace is concluded, the shedding of human blood is thereby stopped; Wayne is now no more; Miller still lives; he has a family of promising children, is poor, and has never received any compensation for his services. We are told that application was once made to Congress for him, but, for the want of proof in support of the facts alledged, no allowance was made. The Legislature of Kentucky, having, at their present session, members of their own body, who know the facts herein stated to be true, have thought it their duty to interfere in behalf of one of their countrymen, and pray your honorable body to make such provisions, by law, for the said Christopher Miller, as you in your wisdom may think just.

*"Resolved by the General Assembly of the Commonwealth of Kentucky, That the Acting Governor of Kentucky be requested to transmit copies of the foregoing memorial to each of our Senators and Representatives from the State of Kentucky, in the Congress of the United States, and that they be di-*

rected to lay the same before Congress, and use their best exertions to have it acted upon during the present session."

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Which resolutions were forwarded to our Representatives and Senators in Congress, but in the great mass of business before that body, it only received a partial attention, and a grant of one section of land was made, which Miller at first refused, deeming it inadequate; but at the solicitations of friends, he accepted of the land, under the hope that Congress would, at some auspicious moment, reward him. But years have rolled on and Miller too has gone down to the tomb, and his meritorious and perilous service has been left unrewarded. Still however, an opportunity is left the government of the United States, to pay her debt of honor; Miller has left a numerous family; and as most of the soldiers of the revolution have been rewarded by the country, it is hoped by the Legislature, that Congress will reward the services of the departed soldier, by awarding to his children that which, in justice, should have been given to their father: Wherefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Governor of this State be requested to transmit copies of the foregoing memorial to each of our Senators and Representatives in the Congress of the United States, and that they be directed to lay the same before Congress, and use their exertions to have it acted upon during the next session.

Approved, March 9, 1843.

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No. 11.

RESOLUTION in relation to cancelling six year State Bonds.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Secretary of State, in the presence of the Governor, Second Auditor, and Treasurer, to count and destroy, by burning, from time to time, the six years Internal Improvement bonds which have been, or may hereafter be taken in exchange for thirty years bonds, under the act of March 3rd, 1842, entitled, "an act authorizing the exchange of thirty years State bonds for six years State bonds." That before such bonds shall be destroyed, duplicate lists thereof, described by dates and numbers, shall be made and signed by the Governor, Second Auditor, and Treasurer, one to be delivered to the Secretary of State, and the other to the Second Auditor, to be by them recorded in well bound books, in their respective offices: *Provided however,* That nothing herein contained is to be construed as repealing the 2nd section of the act of 3rd March, 1842, which makes it the duty of the Secretary of State to report, at the commencement of each session of the General Assembly, a list of the bonds cancelled under said act.

Approved, March 10, 1843.

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No. 12.

A RESOLUTION concerning the claims of Contractors on the Public Works.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement, be instructed to enquire into all claims that may be presented to their consideration, by the Contractors upon the respective rivers and roads within this Commonwealth, or by any of the Turnpike Road Companies, and by any and all other persons having claims against the State, of whatever character and description the said claims may be, growing out of the Internal Improvement system; and that said Board report thereupon to the next Legislature, together with the views and opinions of said Board, upon the justice and validity of said claims respectively.

Approved, March 11, 1843.

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No. 13.

A RESOLUTION relative to new items of taxation.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Secretary of State be requested to transmit, immediately, to the County Court Clerks in the several counties in this Commonwealth, copies of the acts passed during the present session of the General Assembly, increasing the revenue of this State, and making sundry new items subject to taxation, with instructions, notifying the several Commissioners now taking in the lists of taxable property, of the contents of said acts.

Approved, March 11, 1843.

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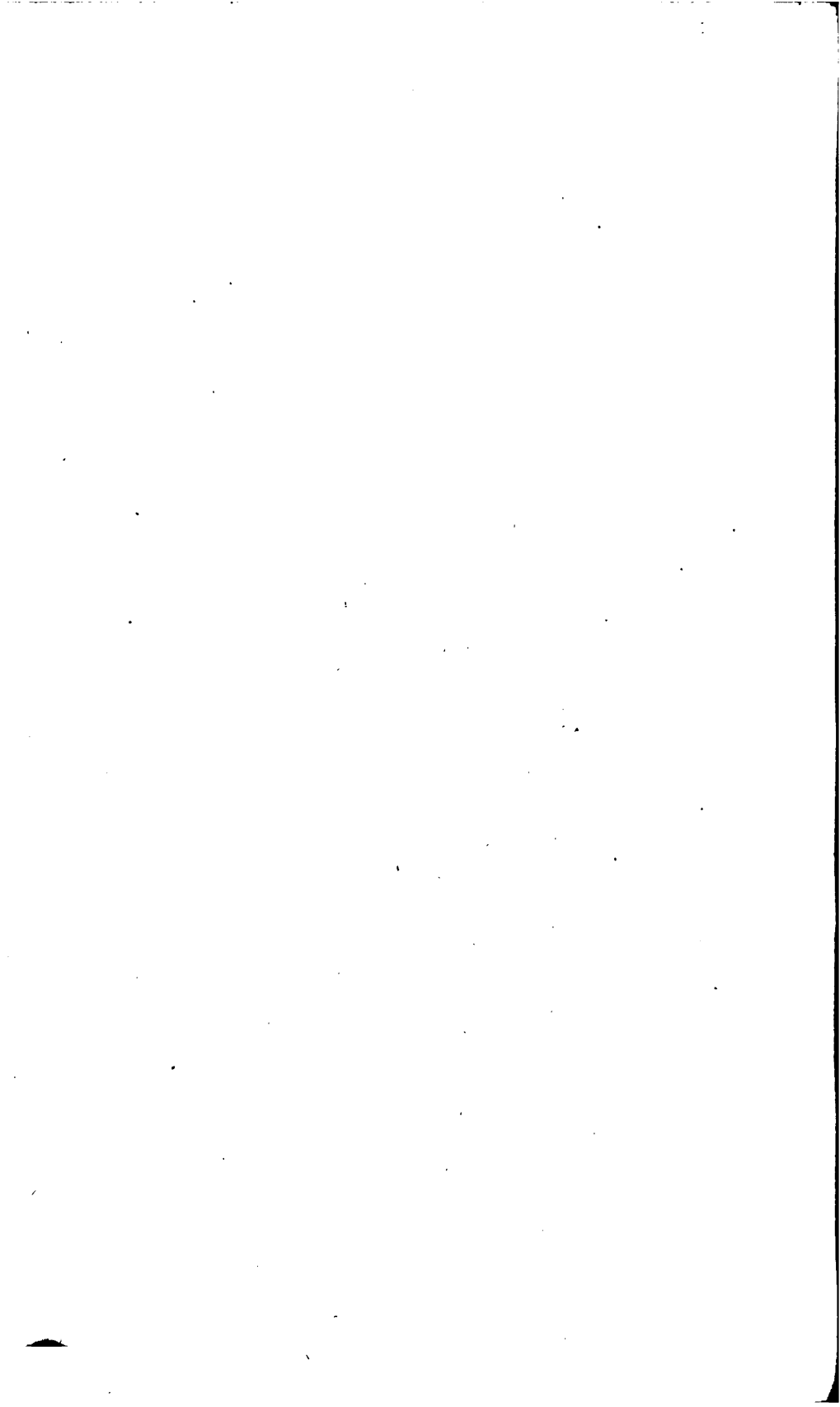
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